



THE MADRAS CODE

IN FOUR VOLUMES

VOLUME II

Unrepealed Madras Acts, 1919 to 1921.

Eighth Edition

(Corrected up to the 31st December 1957)

©

GOVERNMENT OF MADRAS
LAW DEPARTMENT,
1958.

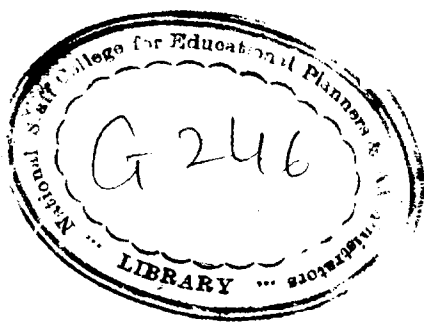
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PREFACE.

This volume contains the Unrepealed Madras Acts of 1919 and 1920. The Acts are printed as modified up to 31st December 1957.

A. ALAGIRISWAMI,
Secretary to Government, Law Department.

FORT ST. GEORGE, MADRAS, }
Dated the 25th June, 1958. }

VOLUME II.

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Volume II.

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Unrepealed Madras Acts—cont.

Year.	Num-ber.	Short title.	Repeals and amendments.	Page.
(1)	(2)	(3)	(4)	(5)
1919	I	The Koodalmanickam Devaswom Act, 1918.	.....	1—2
	II	The Madras Port Trust (Amendment) Act, 1918.		Not printed.
	* III	The Madras Agricultural Pests and Diseases Act, 1919.	Amended, Madras Act VII of 1925†; Madras Act XXXVI of 1955.	3—10
	IV	The Madras City Municipal Act, 1919.	Amended, XXXVIII of 1920; Madras Acts IV of 1921†; * VII of 1922; III of 1923†; * IV of 1924†; VI of 1925†; III of 1931; III of 1933†; † XIV of 1935; X of 1936 R. 5; I of 1938 R. 5; § II of 1938; V of 1938; XIII of 1938; XX of 1939 R. 5; XXI of 1939 R. 5; £ IV of 1941; £ VII of 1941; £ VIII of 1941; £ XV of 1942; £ XXVII of 1942; £ XXXVI of 1942; £ XI of 1943; @ III of 1944; £ XVIII of 1945; £ XVI of 1946; £ III of 1947; ** VI of 1947; †† III of 1949; †† VII of 1950; †† XXI of 1950; XIV of 1951; XXII of 1951; XII of 1954; †† IV of 1955; XXXVI of 1955; and XXV of 1957. Amended, Adaptation (Amendment) Order, 1950. See Madras Acts XV of 1937 R. 5; §§ XIII of 1940; §§ XVII of 1941; §§ VI of 1942; XXIV of 1942; XXIV of 1947; XXXVII of 1950; XXII of 1951; ££ IX of 1955.	11—289

** Repealed in part by Madras Act VI of 1937.

†† Repealed by Madras Act XIII of 1938.

† Repealed by Madras Act VI of 1937.

§ Repealed by Madras Act XXV of 1957.

£ Repealed by Madras Act XI of 1952.

@ The amendment made by section 2 (1) deemed to have taken effect from the commencement of the Madras City Municipal (Amendment) Act, 1936. Repealed by Madras Acts XI of 1952 and XXV of 1957.

*** Repealed by Madras Acts XI of 1952 and XXV of 1957.

†† Repealed by Madras Act XXXVI of 1955.

††† Came into force on 1st January 1956.

§§ Repealed by Madras Act VII of 1948.

££ Came into force on 30th May 1956.

PART III—cont.

Unrepealed Madras Acts—cont.

Year.	Number.	Short title.	Repeals and amendments.	Page.
(1)	(2)	(3)	(4)	(5)
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	VII	The Madras Forest (Amendment) Act, 1919.	290
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	III	An Act to validate the marriage between William Joseph Preston and Catherine Henrietta Ireland.	Not printed.
	IV	The Madras Children Act, 1920.	Amended, Madras Acts <i>I</i> of 1924 †; <i>VI</i> of 1928; <i>I</i> of 1937 R. 5; <i>XIII</i> of 1938; <i>XIV</i> of 1939 R. 5. Amended, Adaptation (Amendment) Order, 1950; Madras Act <i>XXV</i> of 1957. Supplemented by <i>XXXV</i> of 1925 and <i>XIV</i> of 1951.	292— 315
	V	The Madras District Municipalities Act, 1920.	Amended, Madras Acts † <i>XII</i> of 1920; † <i>II</i> of 1921; † <i>V</i> of 1921; † <i>I</i> and <i>II</i> of 1922; <i>XVII</i> of 1929†; § <i>X</i> of 1930; <i>III</i> of 1931; † <i>VIII</i> of 1931; £ <i>IV</i> , † <i>XI</i> , † <i>XII</i> † <i>XV</i> and † <i>XXV</i> of 1933; † <i>IV</i> and † <i>XVIII</i> of 1935; <i>XVII</i> of 1936 R. 5; <i>XXIII</i> of 1936 @; <i>XXV</i> of 1936 R. 5; £ <i>II</i> of 1938; <i>V</i> of 1938; <i>XIII</i> of 1938; <i>XVIII</i> of 1938 R. 5; <i>XI</i> of 1939 R. 5; <i>XXI</i> of 1939 R. 5; ** <i>XIII</i> of 1940; †† <i>XIV</i> of 1940; †† <i>VIII</i> of 1941; †† <i>X</i> of 1941; †† <i>XII</i> of 1941; ** <i>XVII</i> of 1941; <i>I</i> of 1942; ** <i>VI</i> of 1942; †† <i>VII</i> of 1942; †† <i>XII</i> of 1942; †† <i>XVIII</i> of 1942; †† <i>XXVII</i> of 1942; †† <i>XXXVI</i> of 1942; †† <i>XXXVIII</i> of 1942; §§ <i>VI</i> of 1943; §§ <i>II</i> of	316— 569

* Sections 3 to 24, 26 and 27 and the Schedule were repealed by Madras Act *XIII* of 1938.

† Repealed by Madras Act *XIII* of 1938.

‡ Repealed by Madras Act *VI* of 1937.

§ Sections 2 to 178 and the Schedule repealed by Madras Act *XIII* of 1938.

£ Repealed by Madras Act *XXV* of 1957.

@ Repealed in part by Madras Act *XIV* of 1951.

** Repealed by Madras Act *VII* of 1948.

†† Repealed by Madras Act *XI* of 1952.

‡‡ Deemed to have come into force on 21st March 1941. Repealed by Madras Act *XI* of 1952.

§§ Lapsed—See Madras Act *V* of 1948.

PART III—cont.

Unrepealed Madras Acts—cont.

Year.	Num-ber.	Short title.	Repeals and amendments.	Page.
(1)	(2)	(3)	(4)	(5)
1920— <i>cont.</i>	V— <i>cont.</i>	The Madras District Municipalities Act, 1920 <i>—cont.</i>	1944; * III of 1944; †VIII of 1944; †XVIII of 1944; †XIX of 1944; †XX of 1945; †XXIII of 1945; †I of 1946; †VI of 1946; §VII of 1946; XVI of 1946; II of 1947; †XXIV of 1947; @ VII of 1950; XXIII of 1950; XIV and XXIV of 1951; XX of 1955; XXXI of 1955; XXXVI of 1955 and XXV of 1957. Adaptation (Amendment) Order, 1950; Adaptation Order, 1954 and Adaptation Order, 1957. See Madras Acts XV of 1937 R. 5; VIII of 1938 R. 5; XIII of 1940; XVII of 1941; XXIV of 1942; XXIV of 1947; ** X of 1950; I of 1951; †† IX of 1955.	
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*The amendment made by section 3(1) deemed to have taken effect from the commencement of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930). Repealed by Madras Acts XI of 1952 and XXV of 1957.

† Repealed by Madras Act XI of 1952.

‡ Lapsed—See Madras Act V of 1948.

§ Repealed by Madras Acts XI of 1952 and XXV of 1957.

£ Section 2 deemed to have come into force on 29th June 1920. Repealed in part by Madras Act XI of 1952.

@ Repealed by Madras Act XXXVI of 1955.

** Came into force on the 1st April 1951.

†† Came into force on the 30th May 1956.

†† Repealed by Madras Act XIII of 1938.

§§ Came into force on 19th January 1932.

££ Came into force on 1st April 1934.

@@ Came into force on 1st November 1935.

*** Came into force on 1st June 1939 and repealed in part by Madras Act XIV of 1951.

††† Came into force on 1st June 1946. Repealed by Madras Acts XI of 1952 and XXV of 1957.

††† Repealed by Madras Act VI of 1937.

§§§ Sections 2 to 245 and rules 6 and 9 of Schedule repealed by Madras Act XIII of 1938.

**** Repealed by Madras Act XXV of 1957.

PART III—cont.

Unrepealed Madras Acts—cont.

Year.	Num- ber.	Short title.	Repeals and amendments.	Page
(1)	(2)	(3)	(4)	(5)
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* Repealed by Madras Act XIII of 1938.

† Repealed by Madras Act XXV of 1957.

‡ Came into force on the 1st April, 1934—Sections 2 to 60 were repealed by Madras Act XIII of 1938.

§ Sections 2 to 60 were repealed by Madras Act XIII of 1938. Rest: repealed by Madras Act XXV of 1957.

‡ Repealed by Madras Act XI of 1952.

@ Repealed by Madras Act VII of 1948.

†† Repealed by Madras Acts XI of 1952 and XXV of 1957.

** Lapsed—See Madras Act V of 1948.

†† Deemed to have come into force on 21st March 1941. Repealed by Madras Act XI of 1952.

§§ Came into force on 1st July 1945. Repealed by Madras Act XI of 1952.

‡†† Came into force on 23rd March 1946. Repealed by Madras Act XI 1952 and XXV of 1957.

@@ Section 3 deemed to have come into force on 3rd April 1921. Repealed in part by Madras Act XI of 1952.

*** Repealed by Madras Act XXXVI of 1955.

††† Came into force on the 1st April 1951.

††† Came into force on the 30th May 1956.

THE MADRAS CODE.

VOLUME II

PART III—(contd.)

UNREPEALED MADRAS ACTS—(contd.)

MADRAS ACT No. I OF 1919.¹

[THE KOODALMANICKAM DEVASWOM ACT, 1918.]

(Received the assent of the Governor on the 14th December 1918 and that of the Governor-General on the 8th January 1919; the assent of the Governor-General was first published in the Fort St. George Gazette of the 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:—

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 ² [Official Gazette of the State of Madras]. Deprivation of the Kaimal of the management of properties of the Devaswom and the appointment of a manager to be published in the Official Gazette of the State of Madras.

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.

² The words "Official Gazette of the Province of Madras" were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937 and the word "State" was substituted for "Province" by the Adaptation Order of 1950.

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.

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.]

(Received the assent of the Governor on the 13th March 1919
and that of the Governor-General on the 12th April 1919;
the assent of the Governor-General was first published
in the Fort St. George Gazette of the 29th 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 inju-
rious to health or to crops, plants, trees or water-supply or
obstructive to water-ways 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.”

Interpreta- 2. In this Act unless there is anything repugnant in the
tion clause. 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;

“Plant disease” means any fungoid, bacterial, parasiti-
cal 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

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.

This Act was extended to the merged State of Pudukkottai by section 3 of and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

unless the seed has been especially included in the definition of plant by the ¹[State Government] 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 ²[] 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 ¹[State Government] to be the Director of Agriculture and includes every person who for the time being performs the duties of the office;

“ Prescribed ” means proscribed by notification or rules made under this Act.

PART II.

Of insect pests, plant diseases and noxious weeds.

3. ³[(1)] If the ¹[State Government] ⁴[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 water-ways and that it is necessary to take measures to eradicate it or to prevent its introduction or re-appearance, ⁵[they] may by notification in the ⁶[Official Gazette]—

Notification by the State Government of areas affected by insect pests, plant diseases or noxious weeds.

(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

¹ The words “ Provincial Government ” were substituted for the words “ Governor in Council ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

² The words “ railway or other ” were omitted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

³ 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).

⁴ This word was substituted for the word “ considers ” by the Adaptation Order of 1937.

⁵ This word was substituted for the word “ he ” by *ibid.*

⁶ These words were substituted for the words “ *Fort St. George Gazette* ” by *ibid.*

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

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 ²[the State Government] shall be deemed to be the occupier in the case of all lands which are the property ³[of the Government] within the meaning of section 2 (1) of the Madras Land Encroachment Act, 1905.

Madras Act III of 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.

⁴ [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.]

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 The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "of the Crown" were substituted for the words "of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ Section 5-A was inserted by section 3 of Madras Act VII of 1925.

6. (1) ¹[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 ²[State Government] 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.

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

(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).

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.

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

8. (1) If any prescribed remedial or preventive measures are carried out by the inspecting officer ³[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,

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

(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.

¹ These words, figures and letter 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 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925.)

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words, letter 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).

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 ¹ [section 5-A or 7] 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.

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

for a tree destroyed under ² [sub-section (1) (a)]—not exceeding one-half the value thereof;

for plants destroyed under ² [sub-section (1) (b)]—not exceeding two-thirds of the value thereof;

for plants destroyed under ² [sub-section (1) (c)] their full value :

³ [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 ⁴ [State Government] 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

¹ The words, letter and figures "section 5-A or 7" were substituted for the word and figure "section 7" by section 6 (i) of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

² These words, brackets, figures and letters were substituted for the words, figures, brackets and letters "sub-section 1(a)", "sub-section 1(b)", and "sub-section 1(c)" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

³ This proviso was substituted by section 6 (ii) of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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.

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 award to the prescribed officer whose decision shall be final. Appeal against award.

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

14. Any one convicted by a magistrate of an offence under ¹ [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. Punishment for offence under section 5-A or 7.

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

PART III.

General.

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 to occupier for trees and plants destroyed.

17. Notwithstanding anything in this Act, no compensation shall be payable for any noxious weed destroyed. Compensation not payable for noxious weed destroyed.

18. (1) No suit, prosecution or other legal proceedings shall lie against any officer for anything done under this Act Institution of prosecutions or other legal proceedings under the Act.

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

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.

Appoint-
ment of
inspecting
officers.

19. The ¹ [State Government] may from time to time appoint inspecting officers for the purpose of carrying out the duties prescribed in section 5, ² [5-A] and 6.

Delegation
of powers.

20. The ¹ [State Government] may by notification in the ³ [Official Gazette] delegate all or any of ⁴ [their] 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 ¹ [State Government] may by notification in the ³ [Official Gazette] make such rules not inconsistent with the provisions of this Act as may from time 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,

(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.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The figure and letter "5-A" were inserted by section 8 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴ This word was substituted for the word "his" by *ibid.*

THE MADRAS CITY MUNICIPAL ACT, 1919.

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378. Power of entry to inspect, survey or execute the work.
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Power to enforce licensing provisions.

- 379-A. Consequences of failure to obtain licences, etc., or of breach of the same.

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380. Time for complying with order and power to enforce in default.
381. Recovery of expenses from persons liable and limitation on liability of occupier.

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- 382. Power of commissioner to agree to receive payment of expenses in instalments.
- 383. Power to declare expenses on certain work, to be improvement expenses.
- 384. Improvement expenses by whom payable.
- 385. Redemption of charge for improvement expenses.
- 386. Relief to agents and trustees.

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- 387. Recovery of sums due as taxes.
- 388. Determination by Small Cause Court of sums payable.
- 389. Proceedings before Small Cause Court.
- 390. Recovery of sums payable by distress.
- 390-A. Limitation for recovery of dues.
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- 392. Period of limitation for making complaints.
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- 402. Duties of police officers.
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- 405. Application of term 'public servant' to municipal officers, agents and sub-agents.
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Transitional and Transitory Provisions.

- 410. Passing of property and rights to corporation as reconstituted.
- 411. Procedure for recovery of arrears of taxes, etc.
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SCHEDULES.

- Schedule I.* Enactments repealed.
- Schedule II.* Rules regarding proceedings of the council and committees.
- Schedule III.* [Omitted.]
- Schedule IV.* Taxation rules.
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- Schedule VI.* Purposes for which premises may not under section 287 be used without a licence.
- Schedule VII.* Ordinary penalties.
- Schedule VIII.* Penalties for continuing breaches.

MADRAS ACT No. IV OF 1919.¹

[THE MADRAS CITY MUNICIPAL ACT, 1919.]

(Received the assent of the Governor on the 26th March 1919 and that of the Governor-General on the 2nd June 1919 ; the assent of the Governor-General was first published in the Fort St. George Gazette of 24th June 1919.)

An Act to consolidate and amend the law relating to the Municipal affairs of the City of Madras.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City of Madras and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act ; It is hereby enacted as follows :—

Preamble.

PART I.

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras City Municipal Act, 1919. Title and extent.
- (2) Except as hereinafter expressly provided it extends only to the City of Madras.
2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments.
3. In this Act, unless there is anything repugnant in the subject or context—
- ² [(1) “ Anglo-Indian ” shall have the same meaning as in clause (2) of article 366 of the Constitution.] “ Anglo-Indian.”
- ² [(1-A)] “ Appoint ” includes to appoint temporarily or in an officiating capacity. “ Appoint.”
- (2) “ Appointment ” includes temporary and officiating appointments. “ Appointment.”

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.

² Original clause (1) was renumbered as clause (1-A) and a new clause defining the expression “ Adi-Dravida ” was inserted as clause (1) by section 3 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936); clause (1) as so inserted was omitted and clause (1-A) was renumbered as clause (1) by section 2 (1) of the Madras City Municipal (Amendment) Act, 1938 (Madras Act II of 1938); clause (1) was again renumbered as clause (1-A) and a new clause defining the expression “ Anglo-Indian ” was inserted as clause (1) by section 2 (i) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947); and for clause (1) as so inserted, the present clause (1) was substituted by the Adaptation (Amendment) Order of 1950.

- “ 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 ¹ [and beyond which no portion of the building may extend except as prescribed in the building rules].
- “ Carriage.” ² [(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.” (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 ³ [a councillor or an alderman] or in any other elective office, and “ Casual election ” means an election held on the occurrence of a casual vacancy.
- “ Cheri.” “ Hutting ground.” ⁴ [(8-A) “ Cheri ” or “ Hutting ground ” means an area containing land occupied by, or for the purpose of, any collection of huts, standing on a plot of land, or two or more plots of land which are adjacent to one another, and not less than two thousand four hundred square feet in area.]
- “ City of Madras.” (9) “ City of Madras ” or “ City ” means the area declared by the ⁵[State Government] by notification to be the City of Madras but excludes Fort St. George with the glacis.

¹ These words were added by section 3 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These clauses were substituted for the original clauses (6) and (7) by amendment No. (1) of Schedule F to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

³ These words were substituted for the words “ a divisional councillor ” by section 3 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ This clause was inserted by section 3 (iv), *ibid*.

⁵ The words “ Provincial Government ” were substituted for the words “ Local Government ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

Central
Act VII
of 1913.

¹ [(9-A) "Company" means a company as defined in the Indian Companies Act, 1913, *, or formed in pursuance of an Act of Parliament ² [of the United Kingdom] or of Royal Charter or Letters Patent, or of an Act of the legislature of a British possession ³ [or of a law of an Indian State], and includes ³ [any foreign company, whether incorporated or not, and] any co-operative society registered or deemed to be registered under any law for the time being in force in ⁴ (a Part A State or a Part C State). "Company."

(9-B) "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. "Cream."

(9-C) "Dairy" includes any farm, milk store, milk shop, or other place from which milk is supplied only on, or for sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk for sale, and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include— "Dairy."

(a) a shop from which milk is not supplied otherwise than in properly closed and unopened receptacles in which it was delivered to the shop, or

(b) a shop or other place in which milk is sold for consumption on the premises only.

(9-D) "Dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail. "Dairyman."

(9-E) "Dairy produce" includes milk, butter, butter-ghee, curd, butter-milk, cream, cheese, and any and every product of milk. "Dairy produce."

(10) "Dangerous disease" means— "Dangerous disease"
⁵ [(a) anthrax, chickenpox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, smallpox; and]

(b) any other disease notified under section 329.

(11) "Filth" includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter. "Filth"

¹ These clauses were inserted by section 3 (v) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by the Adaptation (Amendment) Order of 1950.

³ These words were inserted by section 2 of the Madras City Municipal (Amendment) Act, 1947 (Madras Act III of 1947).

⁴ These words and letters were substituted for the words "British India or any part thereof" by the Adaptation (Amendment) Order of 1950.

⁵ This sub-clause was substituted for the original sub-clause (a) by section (3) (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

* Now the Companies Act, 1956 (Central Act I of 1956).

- “Food.” ¹ [(11-A) “ Food ” includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments.]
- “Hut.” (12) “ Hut ” means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Act.
- “ Indian Christian.” ² [(12-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.” ³ [(13) “ Latrine ” means a place set apart for defecating or urinating or both and includes a closet of the dry or water-carriage type and urinal.
- “Local authority.” (13-A) “ Local authority ” includes a cantonment authority.
- “Milk.” (13-B) “ Milk ” means the normal clean secretion drawn from the udder of a healthy cow, buffalo, sheep or goat, either completely or after the first portion of such secretion has been drawn off to completion and includes cream skimmed milk, separated milk, and condensed and dessicated milk.]
- “Municipal office.” (14) “ Municipal office ” means the principal office of the corporation.
- “Nuisance.” ⁴ [(14-A) “ Nuisance ” includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, disturbance, or offence to the sense of sight, smell or hearing or to rest or sleep 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 ⁵ [or damages on account of the occupation of such land, building or part and also a rent-free tenant.]
- “Ordinary vacancy.”
“Ordinary election.” ⁶ [(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.]

¹ This clause was inserted by section 3 (vii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This clause was substituted by the Adaptation (Amendment) Order of 1950 for the clause inserted by section 2 (ii) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

³ These clauses were substituted for original clause (13) by section 3 (viii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)

⁴ This clause was inserted by section 3 (ix), *ibid.*

⁵ These words were added by section 3 (x), *ibid.*

⁶ This clause was substituted for original clause (16) by section 3 (xi), *ibid.*

(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 connection 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.

(18) "Prescribed" means prescribed by the ¹ [State Government] by rules under this Act. "Prescribed."

(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. "Private street."

(20) "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 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 ³ [the Government].

⁴ [(20-A) "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."

(21) "Railway" includes a tramway. "Railway."

(22) "Reconstruction" of a building includes— "Reconstruction."

(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 ;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "whether a throughfare or not over which the public have a right of way" by section 3 (xii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)

³ The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ This clause was inserted by section 3 (xiii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(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 factory, as the case may be.

“Residence,”
“Reside.”

(23) A person is deemed to have his “ residence ” or to “ reside ” in any house ¹ [or hut] 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 ¹ [or hut] merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to ² [return to such house or hut] 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.

“Scavenger.”

³ [(25-A) “ Scavenger ” means a person employed in collecting or removing filth, in cleansing drains, latrines or slaughter-houses or in driving carts used for the removal of filth]

“Scheduled Castes.”

⁴ [(25-B) “ Scheduled Castes ” shall have the same meaning as in clause (24) of article 366 of the Constitution, but until the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made

¹ These words were inserted by section 3 (xiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words “ return thereto ”, by *ibid.*

³ This clause was inserted by section 3 (xv), *ibid.*

⁴ This clause was substituted by the Adaptation (Amendment) Order of 1950 for clause (25-B) inserted by section 2 (1)(ii) of the Madras City Municipal, District Municipalities, and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

in pursuance of the Constitution have been finally published shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936.]

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

¹ [(26-A) "Water-course" includes any river, stream or channel whether natural or artificial.] "Water-course."

(27) "Year" means the financial year. "Year."

PART II.

CONSTITUTION AND GOVERNMENT OF THE CORPORATION.

CHAPTER II.—THE MUNICIPAL AUTHORITIES.

Composition of the Corporation.

4. The municipal authorities charged with carrying out the provisions of this Act are— Enumeration of authorities.

- (a) a council,
- (b) standing committees of the council,
- (c) a commissioner.

5. ² [(1) The council shall consist of—

³ [(a) sixty-six divisional councillors, of whom fifty shall be persons elected to general seats, five to seats specially reserved for members of the Scheduled Castes, four to seats specially reserved for Muslims, two to seats specially reserved for Indian Christians, one to a seat specially reserved for Anglo-Indians and four to seats specially reserved for women : Constitution of council.

Provided that nothing in this clause shall be deemed to prevent members of any community or women for whom seats have been reserved from standing for election to the non-reserved seats;

(b) four councillors to seats specially reserved for labour;

¹ This clause was inserted by section 3 (xvi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sub-sections (1) and (2) were substituted for original sub-section (1) by section 4, *ibid.*

³ These clauses were substituted for clauses (a), (b), (c) and (d) by section 3 (1) (i) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

(c) two councillors, one elected by the members of the Madras Chamber of Commerce and the other by the members of the Madras Trades Association in such manner as may be prescribed;

(d) six councillors elected in such manner as may be prescribed, by the members of the Southern India Chamber of Commerce, the Andhra Chamber of Commerce, the Muslim Chamber of Commerce, the Nattukkottai Nagarathars' Association, the Southern India Skins and Hides Merchants' Association and the Piecegoods Merchants' Association, Madras, each of the bodies and associations aforesaid voting separately and electing one councillor];

(e) one councillor elected by the trustees of the Port of Madras;

¹ [(f) * * * * *];

(g) one councillor elected by the members of the Senate of the University of Madras; and

(h) five aldermen, of whom one shall be a woman elected by the councillors referred to in clauses (a) to (g), in the manner specified in section 56-C.]

² [(1-A) The ³[State] Government may, by notification, increase or reduce the number of councillors to be elected to seats specially reserved under clause (a) or clause (b) of sub-section (1); and thereupon the number of councillors specified in those clauses shall be deemed to have been increased or reduced accordingly.]

⁴ [(2) In addition to the councillors referred to in clauses (a) to (g) of sub-section (1), the ⁵ (State Government) may appoint a person or persons having special knowledge or experience of any subject relating to the municipal administration to be special councillor or councillors for such subject. Every special councillor shall exercise the rights of a councillor only in respect of the subject for which he is appointed, but he may attend any meeting of the council and take part in the discussion of any other subject without the right of voting. There shall not be more than three special councillors on the council at any time.]

¹ This clause was omitted by section 3 (1) (ii) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

² This sub-section was inserted by section 3 (2), *ibid.*

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ Sub-sections (1) and (2) were substituted for original sub-section (1) by section 4 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)

⁵ The word "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1955.

¹ [(3)] 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.

² [6. (1) There shall be six standing committees for dealing respectively with—

Constitution of standing committees.

- (1) Accounts,
- (2) Education,
- (3) Health,
- (4) Taxation and Finance, excluding Taxation Appeals,
- (5) Town-Planning and Improvements, and
- (6) Works.

(2) The Council may, with the previous sanction of the ³ [State Government], constitute additional standing committees for such purposes as the council thinks fit.]

7. The commissioner shall be appointed by the ³ [State Government] and shall not be a member of the council.

Appointment of commissioner.

The Several Authorities.

The Commissioner.

8. (1) The commissioner shall hold office for a renewable period of three years.

Term of office of commissioner.

(2) The ³ [State Government] 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 ⁴ [forty three members thereof] vote for such removal.

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 purpose 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.

Powers of commissioner.

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

Custody of records.

¹ Original sub-section (2) was renumbered as sub-section (3) by section 4 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was substituted for original section 6 by section 5, *ibid*.

³ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁴ These words were substituted for the figures and word " 33 councillors " by section 6 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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 ²(State 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 ² [State Government].

Leave of commissioner.

14. (1) Leave may be granted to the commissioner by the ² [State Government].

(2) Whenever such leave is granted the ² [State Government] 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 ³ [service of the Government], the corporation shall ⁴ [(make) such contribution towards his passages, leave allowances], pension and provident fund ⁶ [as may be ⁷ (required),

¹ This section was substituted for original section 12 by section 2 of the Madras City Municipal (Further Amendment) Act, 1922 (Madras Act III of 1923).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "service of the Crown" were substituted for the words "service of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "contribute to his leave allowances" by section 7 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This word was substituted for the words "pay to the Government" by the Adaptation Order of 1937.

⁶ These words were substituted for the words "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" by section 7 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁷ These words were substituted for the words "payable under the rules and regulations of the branch of the Government service to which he belongs and in force for the time being" by the Adaptation Order of 1937.

by the conditions of his service under the ¹ (Government), to be paid by him or on his behalf)].

(2) If the commissioner is not a civil or military officer in the ² [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 ³ [State Government] :

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 ³ [State Government] 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.

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) ⁴ [55-A], 56, ⁵ [56-A], 57, ⁶ [...], ⁷ [...], 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, ⁶ [...], 292, 293, 299, 306, 308, 309, 319, 323, 324, 335, 380, ⁶ [...], 398, Schedule IV, rule 14, Schedule V, rules 13 and 14 :

Delegation
of commis-
sioner's
ordinary
powers.

¹ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

² The words "service of the Crown" were substituted for the words "service of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These figures and letter were substituted for the figures "55" by section 8 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These figures and letter were inserted by section 8 (ii), *ibid.*

⁶ The figures "58", "290" and "391" were omitted by section 8 (iii), *ibid.*

⁷ The figures, brackets and word "72 (3) and (4)" were omitted by the Adaptation Order of 1937.

Provided that—

(a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made ;

(b) the commissioner shall not delegate his power under section 90 to make appointments to offices carrying a salary of more than fifty rupees per mensem ;

(c) the commissioner shall not delegate to the holder of any office his power under section 96 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 97 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the commissioner's powers of appointment ;

(d) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding two thousand rupees ;

(e) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall also be subject to his control and revision.

Delegation of commissioner's extraordinary powers.

18. The commissioner may on his own responsibility and by an order in writing ¹[authorize the health officer, the engineer, the electrical engineer, the water-works engineer, the revenue officer, the educational officer, or any other officer who is the head of a department working under the commissioner, or any person in temporary charge of the duties of any of the officers aforesaid] 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 ² [or alderman] shall be a member of more than two standing committees at the same time.

¹ These words were substituted for the words "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" by section 9 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 10, *ibid.*

(2) A councillor ¹ [or alderman] 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 ¹ [or alderman] 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 ¹ [or alderman].

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.

Functions of standing committees.

(2) The ² [accounts standing committee] in addition to the powers and duties assigned to it under such regulations—

(a) shall supervise the utilization of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(c) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(d) may write off ³ [the amount of any loss of, or of any depreciation caused to, municipal property which appears to the committee] to be irrecoverable.

⁴ [(3) The taxation and finance standing committee shall, in addition to the duties and powers assigned to it under the regulations referred to in sub-section (1), be also entitled to exercise the powers referred to in clause (b) of sub-section (2).

(4) The council shall sanction such staff as may reasonably be required by the accounts and the taxation and finance standing committees to discharge their respective functions.]

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

Construction of references to standing committee.

¹ These words were inserted by section 10 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "taxation and finance standing committees" by section 11 (i), *ibid.*

³ These words were substituted for the words "such sums due to the corporation as appear to the committee" by *ibid.*

⁴ Sub-sections (3) and (4) were added by section 11 (ii), *ibid.*

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.

Function 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 ¹[Mayor] shall refer the matter to the ²[State Government] 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 ²[State Government].

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

25 (1) Any councillor ¹[or alderman] 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.

Duties and powers of individual councillors and aldermen.

(2) Every councillor ¹[or alderman] shall have the right to interpellate the ²[Mayor] on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor ¹[or alderman] 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 ¹[or alderman] may appeal against such order to the ²[Mayor] whose decision shall be final.

³[25-A. Neither the Mayor nor the Deputy Mayor, nor any councillor or alderman shall receive or be paid, from the funds at the disposal of or under the control of the corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever.]

Mayor, Deputy Mayor, councillor or alderman not to receive remuneration.

26. (1) The council or a standing committee may at any time require the commissioner—

Requisitions by council or a standing committee for commissioner's records.

(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 ²[Mayor] whose decision shall be final.

¹ These words were inserted by section 12 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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

³ This section was inserted by section 13 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Council's
power to call
for records
of commit-
tees.

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.

Appoint-
ment of joint
committee.

¹ [27-A (1) The council may, and if so required by the ² [State 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 :

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.

¹ This section was inserted by section 14 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(6) If the ¹[State 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 ¹(State Government) whose decision shall be final.]

² [(8) The powers of the ³[State] Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.]

Provisions common to the Council and the Standing Committees.

⁴ [28. (1) The council shall at its first meeting after the first day of November in each year elect—

Election of Mayor, Deputy Mayor and chairman.

(a) one of its number to be the Mayor, ⁵ [and]

(b) one of its number other than the Mayor to be the Deputy Mayor. ⁶ [.]

⁷ [(c) * * * * *]

(2) A Deputy Mayor on being elected Mayor shall cease to be the Deputy Mayor.

(3) Each Standing Committee shall at its first meeting after the election referred to in ⁸[clause (a)] of sub-section (1), elect one of its members (other than the Mayor) to be its chairman.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was inserted by the Adaptation Order of 1937.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This section was substituted for original section 28 by section 15 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X 1936).

⁵ This word was inserted by section 3 (i) of the Madras City Municipal (Amendment) Act, 1939 (Madras Act XX of 1939).

⁶ The word "and" was omitted by *ibid.*

⁷ Clause (c) was omitted by *ibid.*

⁸ This expression was substituted for the expression "clause (c)" by section 3 (ii), *ibid.*

Term of office of Mayor, Deputy Mayor and Chairman.

29. The ¹ [Mayor], ² [Deputy Mayor] or chairman shall be ³ [entitled to hold office from the time of his election and until the election of his successor] provided that in the mean-time he does not cease to be a councillor ⁴ [or an alderman].

On the occurrence of any vacancy in the office of ¹ [Mayor], ² [Deputy Mayor] 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, Deputy Mayor and Chairman.

30. An outgoing ¹ [Mayor], ⁵ [Deputy Mayor] or chairman is eligible for re-election.

Rules and regulations for proceedings of council and standing committees.

⁶ [31. The council and the standing committees shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith or with other provisions of this Act or any rules made by the ⁷ [State Government], for the conduct of their respective proceedings and also for the maintenance of order at their meetings.]

Explanation.—Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.]

Presidency of council and standing committees.

32. ⁸ [(1) Every meeting of the council shall be presided over by the Mayor, in his absence by the Deputy Mayor and in the absence of both the Mayor and the Deputy Mayor, by a councillor or alderman chosen by the meeting to preside for the occasion.

(2) Every meeting of a standing committee shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.]

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 These words were inserted by section 16 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "entitled to hold office till the election of his successor" by section 16 (ii), *ibid.*

⁴ These words were inserted by section 16 (iii), *ibid.*

⁵ These words were inserted by section 17, *ibid.*

⁶ This section was substituted for original section 31 by section 18, *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ These sub-sections were substituted for original sub-sections (1) and (2) by section 19 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(3) The ¹ [Mayor], ² [the Deputy Mayor] 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 ¹ [Mayor], ² [Deputy Mayor] or chairman thereon shall, save as is otherwise expressly provided in this Act, be final.

(4) The ³ [Deputy Mayor, councillor, or alderman] presiding at a meeting of the council and the member presiding at a meeting of a standing committee shall for that meeting ⁴ [and during the period that he presides over it] have all the powers and be subject to all the obligations of the ¹ [Mayor] or chairman, as the case may be.

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.

Commissioner's right to attend and take part in discussion but not to move 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 ¹ [Mayor.]

34. (1) No councillor ⁵ [or alderman] shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the council or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

Councillors and aldermen to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

(2) The ¹ [Mayor] or chairman may prohibit any councillor ⁵ [or alderman] from voting on or taking part in the discussion of any matter in which the councillor ⁵ [or alderman] is believed to have such interest, or he may require the councillor ⁵ [or alderman] to absent himself during the discussion.

(3) Such councillor ⁵ [or alderman] may challenge the decision of the ¹ [Mayor] or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the ¹ [Mayor] or chairman is ⁶ [alleged] by any councillor ⁵ [or alderman] present at the meeting to have any such interest in any matter under discussion, he may, on the

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 These words were inserted by section 19 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the word "councillor" by section 19 (iii), *ibid.*

⁴ These words were inserted by *ibid.*

⁵ These words were inserted by section 20 (i), *ibid.*

⁶ This word was substituted for the word "believed" by section 20 (ii), *ibid.*

motion of such councillor ¹ [or alderman] if carried, be required to absent himself from the meeting during the discussion.

² [(5) The councillor or alderman concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—In this section ‘ Mayor ’ includes a Deputy Mayor, councillor or alderman presiding for the occasion and ‘ chairman ’ includes a member presiding for the occasion at a meeting of a committee.]

Resignations.

³ [35. The Mayor may resign his office by giving notice in writing to the council; the Deputy Mayor, any councillor or alderman other than the Mayor and the chairman, or any member of a standing committee may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect in the case of the Mayor from the date on which it is placed before the council and in any other case from the date on which it is received by the Mayor.]

Saving of validity of proceedings.

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

(a) of any vacancy or defect in the constitution of the council, or of any standing committee, or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the council, or of a standing committee, the minutes of the proceedings at which have been signed as laid down in Schedule II, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The ⁴ [Mayor].

Prerogative of the Mayor.

⁵ [37. (1) The Mayor shall have full access to all the records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) No official correspondence between the corporation and the ⁶ [State Government] shall be conducted except through the Mayor.

¹ These words were inserted by section 20 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-section and Explanation were added by section 20(iii), *ibid*.

³ This section was substituted for original section 35 by section 21, *ibid*.

⁴ This word was substituted for the words “ President of the Council ” by section 3 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933.)

⁵ This section was substituted for original section 37 by section 22 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁶ The words “ Provincial Government ” were substituted for the words “ Local Government ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the ¹ [State Government] or by the ¹ [State Government] to the commissioner. While transmitting communications from the commissioner to the ¹ [State Government], the Mayor may make such remarks as he may think necessary.]

² [38. (1) The Mayor shall *ex officio* be a member of every standing committee and of every other committee constituted under this Act except the Taxation Appeals Committee but shall not be eligible to be elected as the chairman of any standing committee.

Mayor to be member of all committees.

(2) If the Mayor was at the time of his election the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of chairman of any standing committee, the Mayor shall convene a meeting of that committee for the election of another chairman.]

³ [*The Deputy Mayor.*]

³ [38-A. (1) When the office of Mayor is vacant, his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

Functions of Deputy Mayor.

(2) If the Mayor has been continuously absent from the city for more than fifteen days or is incapacitated his functions shall devolve on the Deputy Mayor until the Mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The Mayor may, by an order in writing, delegate any of his functions to the Deputy Mayor.]

Administration Report.

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 ¹ [State Government], the corporation shall submit to the ¹ [State Government] a detailed report of the administration during the preceding year in such form as the ¹ [State Government] may direct.

Submission of administration report to State Government.

(2) The commissioner shall prepare such report and the council shall consider the report and forward the same to the ¹ [State Government] with their resolutions thereon, if any.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was substituted for original section 38 by section 23 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This heading and section were inserted by section 24, *ibid.*

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the ¹ [State Government].

State Government's power to call for records.

40. The ¹ [State Government] 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.

State Government's power to cause inspection to be made.

41. The ¹ [State Government] 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.

State 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 ¹ [State Government] ² [are 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 ¹ [State Government] may, by an order, direct the council or the commissioner within a period to be specified in the order to make ³ [arrangements to their satisfaction] for the proper performance of the duty, or to make financial ⁴ [provision to their satisfaction] for the performance of the duty, as the case may be :

Provided that, unless in the opinion of the ¹ [State Government] the immediate execution of such order is necessary, the ¹ [State Government] shall, before making an order under this section, give the council an opportunity of showing cause why such order should not be made.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "is of opinion" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "arrangements to his satisfaction" by *ibid.*

⁴ These words were substituted for the words "provision to his satisfaction" by *ibid.*

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 ¹[State Government] 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 ¹[State Government] 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 ²[in their opinion] be required for giving effect ³[to their 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.

44. (1) The ⁴[Mayor] shall submit to the ¹[State Government] copies of all resolutions and all by-laws.

(2) The ¹[State Government] 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;

State Government's power to appoint a person to take action in default at expense of corporation.

Submission of copies of proceedings, resolutions and by-laws to State Government.

State Government's power to cancel resolutions and by-laws.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "in his opinion" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "to his orders" by *ibid.*

⁴ 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 before taking any action under this sub-section the ¹[State Government] shall communicate to the council the grounds on which ²[they propose] to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanations 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 ³[AND ALDERMEN].

Qualifications and Disqualifications of Voters, Candidates ⁴[*Councillors and Aldermen*].

Fifty electo-
ral divisions.

⁵[45. (1) (a) For the purposes of the election of the divisional councillors to fill the ⁶[fifty] general seats referred to in clause (a) of sub-section (1) of section 5 the city shall be divided into ⁶[fifty] territorial divisions the boundaries of which shall be fixed by the ¹[State Government] by notification.

(b) The ¹[State Government] may after consulting the council, by notification, alter the boundaries of any such division.

(2) ⁷[(a) For the purposes of the election of councillors to fill the seats specially reserved for members of the Scheduled Castes, Muslims, Indian Christians, Anglo-Indians and women under section 5, the ⁸[State] Government may, by notification, declare—

(i) in which of the divisions the said seats shall be reserved; and

(ii) for whom such seats are reserved.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "he proposes" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were inserted by section 25, *ibid*.

⁴ These words were substituted for the words "and councillors" by section 26, *ibid*.

⁵ Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27, *ibid* and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2(5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁶ This word was substituted for the word "forty" by section 4 (a) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

⁷ This clause was substituted for original clause (a) by section 4 (b) (i), *ibid*.

⁸ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(b) The ¹ [State Government] may after consulting the council, by notification, ² [vary any declaration made by them under clause (a).]

³ [⁴ 46. (1) Except in the case of the divisions notified by the ⁵ [State] Government under sub-section (2) of section 45, only one councillor shall be elected for each division. Number of councillors for each division.

(2) Each of the divisions notified by the ⁵ [State] Government under sub-section (2) of section 45 shall elect in the manner specified in section 46-A, two councillors, one of whom shall be a member of the Scheduled Castes, a Muslim, an Indian Christian, an Anglo-Indian or a woman, as the case may be.]

³ [⁴ 46-A. All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election to any seat in that division, whether reserved or not.] Mode of election.

³ [⁴ 46-B. (1) For the purpose of the election of councillors to the seats specially reserved for labour under clause (b) of sub-section (1) of section 5, the ⁵ [State] Government shall, by notification, constitute in such manner as they think fit— Mode of election of councillors to labour seats.]

(a) two electorates consisting of persons employed in a railway workshop or textile mill situated in the City, ⁶ [whose names are included in the electoral roll for any trade union labour constituency of the Madras Legislative Assembly]; and

(b) two electorates consisting of persons employed in the Madras Harbour or in a perennial factory (other than a railway workshop or textile mill) situated in the city, ⁶ [whose names are included in the electoral roll for the Madras City Dock and Factory Labour (excluding textile and railway

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words, brackets and letter were substituted for the words "vary any selection of divisions made by them under this sub-section and reserve any other division or divisions for members of the scheduled castes" by section 4 (b) (ii) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

³ Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 and 49.

⁴ The present sections 46, 46-A and 46-B were substituted for sections 46, 46-A and 46-B by sections 5, 6 and 7 respectively of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ According to section 49 infra, after the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made in pursuance of the Constitution have been finally published, these words shall stand omitted.

labour) non-union labour constituency of the Madras Legislative Assembly]:

Provided that if the number of councillors to be elected to seats specially reserved for labour is increased or reduced under sub-section (1-A) of section 5, the labour electorates aforesaid shall be increased or reduced in number accordingly and be reconstituted in such manner as the ¹ [State] Government think fit.

(2) Each of the electorates constituted under sub-section (1) shall elect one councillor.])

Electoral rolls for divisional seats other than labour seats.

² [47 Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to any of the divisions referred to in sub-section (1) of section 45, shall be entitled to be included in the electoral roll for that division prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where in the case of any territorial constituency of the Madras Legislative Assembly there is no distinct part of the electoral roll relating to a division, the names of all persons who are entered in such roll under the registration area comprising that division and whose addresses as entered in such roll are situated in such division, shall be entitled to be included in the electoral roll for the division prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for more than one division or in the electoral roll for any division in more than one place.

Explanation (3).—In this section and in section 48, “ territorial constituency ” shall have the same meaning as in the ³(Sixth Schedule of the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act.)]

Publication of electoral rolls, etc.

² [48. (1) As soon as may be after the electoral rolls for the territorial ⁴(and labour) constituencies of the Madras Legislative Assembly which consist of, or comprise, or which relate to, the City or any portion thereof, have been published

¹ This word was substituted for the word “ Provincial ” by the Adaptation Order of 1950.

² Sections 45 to 49-A were substituted for the original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 and 49.

³ According to section 49 *infra*, after the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made in pursuance of the Constitution have been finally published, for these words and figures the words ‘ law made in pursuance of the Constitution ’ shall be substituted.

⁴ Under section 49 *infra*, these words shall also stand omitted, after the first electoral rolls referred to above have been finally published.

as provided in the ¹ [Government of India Act, 1935], and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, the commissioner shall, for the purposes of this Act, prepare and publish in such manner as the ² [State] Government may direct, the portions of the said electoral rolls or of the alterations thereto which relate to each of the ³ [fifty] divisions referred to in sub-section (1) of section 45 and to each of the labour electorates referred to in section 46-B.

(2) Where after the electoral rolls for the ³ [fifty] divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the commissioner shall, in order to give effect to such alteration of boundaries, rearrange and republish in such manner as the ² [State] Government may direct, the electoral rolls for each of the divisions concerned.

(3) The electoral roll for any division or for any labour electorate referred to in section 46-B published under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division or labour electorate.

(4) Every person whose name appears in the electoral roll for any division or for any labour electorate referred to in section 46-B, as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division or by the labour electorate concerned, and no person whose name does not appear in such roll shall vote at such an election.]

⁴ [5 49. After the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under

Modification
of sections
46-B, 47
and 48.

¹ According to section 49, after the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made in pursuance of the Constitution have been finally published, for these words and figures, the words 'law made in pursuance of the Constitution' shall be substituted.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word was substituted for the word "forty" by section 8 of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

⁴ Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), and of these, sections 46-B, 47, 48, 49 and 49-A were substituted by section 2 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 and 49.

⁵ Section 49 was omitted by section 9 of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947) and present section 49 was inserted by the Adaptation (Amendment) Order of 1950.

the law made in pursuance of the Constitution have been finally published, the provisions of sections 46-B, 47 and 48 shall have effect subject to the following modifications, namely :—

(a) in section 46-B, sub-section (1),—

(i) in clause (a) the words ‘ whose names are included in the electoral roll for any trade union labour constituency of the Madras Legislative Assembly ’ shall be omitted;

(ii) in clause (b) the words and brackets ‘ whose names are included in the electoral roll for the Madras City Dock and Factory Labour (excluding textile and railway labour) non-union labour constituency of the Madras Legislative Assembly ’ shall be omitted;

(b) in *Explanation* (3) to section 47 for the words and figures ‘ Sixth Schedule to the Government of India Act, 1935, that is to say, it shall mean one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to that Act ’ the words ‘ law made in pursuance of the Constitution ’ shall be substituted ;

(c) in sub-section (1) of section 48 the words ‘ and labour ’ shall be omitted and for the words and figures ‘ Government of India Act, 1935, ’ the words ‘ law made in pursuance of the Constitution ’ shall be substituted.]

Disqualifi-
cation 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 candi-
dates.

¹ [51. (1) No person shall be qualified for election—

² [(a) as a councillor in respect of any of the fifty general divisional seats, unless his name is included in the electoral roll of any of the fifty divisions of the City;

(b) as a councillor in respect of any of the divisional seats specially reserved for members of the Scheduled Castes, Muslims, Indian Christians, Anglo-Indians or women, unless—

(i) such person is a member of the community concerned or a woman as the case may be; and

(ii) his or her name is included in the electoral roll of any of the fifty divisions aforesaid] ;

¹ This section was substituted for original section 51 by section 28 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Clauses (a) and (b) were substituted for original clauses (a) and (b) by section 10 (i) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

(c) as a councillor in respect of a ¹[labour electorate] unless his name is included in the electoral roll of ²[any] of the ³[labour electorates]; and

(d) as an alderman, unless his name is included in the electoral roll of any of the ²[fifty] divisions referred to in clause (a) or in the electoral roll of ²[any] of the ⁴[labour electorates] referred to in clause (c) or he is a ⁵[member of any of the bodies referred to in clauses ⁶[...], (c), (d) and (g) of sub-section (1) of section 5 who has resided in the City for ninety days in the aggregate in the year preceding that in which the election is held] or he is a trustee of the Port of Madras.

(2) No ⁷[servant of the Government] shall be qualified for election or for holding office as a councillor or an alderman :

Provided that this prohibition shall not apply to—

(i) any person appointed as a special councillor under sub-section (2) of section 5 ; or

(ii) the holder of any office which does not involve both of the following incidents, namely:—

(a) that the incumbent is a whole-time ⁸[servant of the Government]; and

(b) that he is remunerated by either 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 ⁹[State Government] whose decision shall be final.]

¹ These words were substituted for the words "labour constituency" by section 2 (7) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

² The word "any" was substituted for the word "either" and the word "fifty" for the word "forty", by section 10 of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

³ These words were substituted for the words "constituencies for labour" by section 2 (7) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁴ These words were substituted for the words "constituencies for labour" by section 2 (8), *ibid.*

⁵ This expression was substituted for the expression "member possessing the residential qualification under section 49-A, of any of the bodies referred to in clauses (b), (c), (d) and (g) of sub-section (1) of section 5" by *ibid.*

⁶ The brackets and letter "(b)" were omitted by section 10 (iii) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

⁷ The words "servant of the Crown" were substituted for the words "Officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁸ The words "servant of the Crown" were substituted for the words "servant of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Disqualifi-
cation of
candidates.

¹[52. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months 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 or appointment as a councillor or for election as an alderman while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election or appointment as a councillor or for election as an alderman if such person is at the date of nomination, election or appointment—

(a) of unsound mind, a deaf-mute or a leper;

(b) an applicant to be adjudicated a bankrupt or insolvent or an uncertified bankrupt or undischarged insolvent;

(c) directly or indirectly, by himself or his partner, interested in a subsisting contract made with or any work being done for the corporation:

Provided that a person shall not be deemed to have any interest in 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;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted;

(iv) any company or association, whether incorporated or not, which contracts with the corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation;

(v) any company including a railway company ;
or

(vi) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles;

(d) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation ;

¹ This section was substituted for original section 52 by section 29 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(e) an officer or servant holding office under this Act, or an honorary Presidency Magistrate or a Public Prosecutor or Government Pleader;¹ [].

(f) already either a councillor or an alderman whose term of office as such will not expire before his fresh election or appointment can take effect or has already been elected a councillor or an alderman whose term of office has not yet commenced;² [or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation up to and inclusive of the previous year, in respect of which a bill, notice or direction has been duly served upon him and the time, if any, specified therein for payment has expired.]

(3) Notwithstanding anything contained in sub-section (1), the ³ [State Government] may direct that such sentence shall not operate as a disqualification.

(4) No person shall be qualified for election or appointment as a councillor or for election as an alderman during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and in force.]

53. ⁴ [(1) Subject to the provisions of section 54, a councillor or alderman shall cease to hold office as such, if he—

Disqualification of councillors and aldermen.

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 52;

(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 clause (c) of sub-section (2) of section 52, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation ;

(e) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation ;

¹ The word "or" was omitted by section 2 of the Madras City Municipal (Amendment) Act, 1941 (Madras Act IV of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² The word "or" and clause (g) were added by Madras Act IV of 1941, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This sub-section was substituted for the original sub-section by section 30 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(f) is appointed to any office or post referred to in clause (e) of sub-section (2) of section 52 ;

(g) is declared to be disqualified by a judicial order passed under section 71 ;

(h) ceases to reside in the City; ¹ []

² [(hh) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation, within three months after a bill, notice or direction has been served upon him under this Act, or where in the case of any arrear this Act does not require the service of any bill, notice or direction, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the commissioner to serve at the earliest possible date) has been duly served upon him by the commissioner ; or]

(i) fails to attend the meetings of the council for a period of three consecutive months beginning from the date of the commencement of his term of office or of the last meeting he attended as the case may be :

Provided that the disqualifications specified in clauses (h) and (i) shall not apply to any person appointed as a special councillor under sub-section (2) of section 5.]

(2) Notwithstanding anything contained in clause (a) of sub-section (1) the ³ [State Government] may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor ⁴ [or alderman] under clause (a) or ⁵ [clause (g)] 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 ³ [State Government] ⁶ [and any person elected to fill the vacancy in the interim shall on such restoration vacate office.]

¹ The word "or" was omitted by section 3 of the Madras City Municipal (Amendment) Act, 1941 (Madras Act IV of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² This clause was inserted by Madras Act IV of 1941, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were inserted by section 30 (ii) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ The word, letter and brackets "clause (g)" were substituted for the word, letter and brackets "clause (h)" by section 30 (ii) (b), *ibid.*

⁶ These words were added by section 30 (ii) (c), *ibid.*

(4) In the case of a person who has ceased to be a councillor ¹ [or an alderman] in consequence of failure to attend meetings the matter shall be reported by the commissioner at the ² [next ordinary meeting] and the council may at that meeting restore such person to office.

³ [53-A. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be a councillor or elected an alderman shall before taking his seat make, at a meeting of the council, an oath or affirmation of his allegiance to ⁴ [the Constitution] in the following form, namely :—

Oath of allegiance to be taken by councillors and aldermen.

‘ I, A.B., having been elected a councillor / appointed a councillor / elected an alderman of this council do ⁵ [swear in the name of God / solemnly affirm] that I will bear true faith and allegiance to the Constitution of India as by law established] and that I will faithfully discharge the ⁶ [duty] upon which I am about to enter.’

(2) Any person who having been elected or appointed to be a councillor or elected an alderman, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, 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) Any person who has been elected or appointed to be a councillor or elected an alderman shall not take his seat at a meeting of the council or do any act as such councillor or alderman unless he has made the oath or affirmation as laid down in sub-section (1).

¹ These words were inserted by section 30 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words “next general meeting” by *ibid.*

³ This section was inserted by section 31, *ibid.*

⁴ The words “India and to the Constitution of India” were substituted for the words “the Crown” by section 2 (i) of the Madras Municipal and Local Boards (Amendment) Act, 1949 (Madras Act III of 1949), and the words “the Constitution” were substituted for “India and to the Constitution of India” by the Adaptation (Amendment) Order of 1950.

⁵ The words “India and to the Constitution of India as by law established” were substituted for the words “His Majesty the King Emperor of India, His heirs and successors,” by section 2 (ii) of the Madras Municipal and Local Boards (Amendment) Act, 1949 (Madras Act III of 1949) and the words “swear in the name of God / solemnly affirm” that I will bear true faith and allegiance

to the Constitution of India” were substituted for the words “solemnly swear / affirm that I will be faithful and bear true allegiance to India and to the Constitution of India” by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word “duties” by the Adaptation (Amendment) Order of 1950.

(4) Notwithstanding anything contained in sub-section (3) a Mayor or Deputy Mayor or the chairman or a member of a standing committee, who has not made the oath or affirmation as a councillor or alderman shall be entitled to act as such Mayor, Deputy Mayor, chairman, or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the council which he attends within two months after he is elected as a Mayor, Deputy Mayor, chairman or member, as the case may be.]

Decision of questions of disqualification of councillors and aldermen 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 ¹[or elected as an alderman] is disqualified under section 52 or section 53 ²[or section 53-A] and such person does not admit the allegation or whenever any councillor ³[or alderman] is himself in doubt whether or not he has become disqualified for office, such councillor ³[or alderman] or any other councillor ³[or alderman] may, and the commissioner, at the request of the council, ⁴[or on a direction from the ⁵(State Government)] 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 ⁶[or section 53-A] and his decision shall be final.

⁷[(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 were not disqualified.]

General Rules for Election and Appointment.

Term of office of councillors and aldermen.

⁸[55.] The term of office of ⁹[councillors and aldermen] shall, save as otherwise expressly provided, be ¹⁰three years beginning and expiring at noon on the first day of November.

¹ These words were inserted by section 32 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words, figures and letter were inserted by section 32 (i) (b), *ibid*.

³ These words were inserted by section 32 (i) (c), *ibid*.

⁴ These words were inserted by section 32, (i) (d), *ibid*.

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words, figures and letter were inserted by section 32 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁷ This sub-section was substituted for original sub-section (3) by section 32 (iii), *ibid*.

⁸ Original sub-section (1) of section 55 was renumbered as section 55 by section 33 (i), *ibid*.

⁹ These words were substituted for the words "divisional councillors" by *ibid*.

¹⁰ See Madras Acts XXIV of 1942 and XXII of 1951.

¹[55-A. (1)] 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 ²[immediately preceding] the vacancies as he thinks fit. Election of divisional councillors.

¹[(2)] 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.

¹[(3)] 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.

56. (1) If from any cause no councillor is elected at an ordinary election held under ³[section 55-A], the retiring councillor shall, if willing to serve, be deemed to have been re-elected. Procedure on failure of election.

(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, ⁴[and if the council fails] 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.

⁵[56-A. If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.] Procedure case of in equality of votes.

¹ Original sub-sections (2), (3) and (4) of section 55 were renumbered as sub-sections (1), (2) and (3) respectively of section 55-A by section 33 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "next preceding" by *ibid.*

³ This expression was substituted for the word and figures "section 55" by section 34, *ibid.*

⁴ These words were substituted for the words "if the council fail" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁵ Sections 56-A, 56-B and 56-C were inserted by section 35 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Election or
appointment
of institu-
tional coun-
cillors.

¹[56-B. (1) Vacancies arising by efflux of time in the office of councillors elected ²[. . . .] under clauses (b), (c), (d), (e), ³[. . .] and (g), of sub-section (1) of section 5 shall be filled by election ⁴[.] not later than the first day of October immediately preceding the vacancies.

(2) A casual vacancy in the office of any such councillor shall be filled by election ⁴[.] as soon as may be, after the occurrence of the vacancy.

(3) A councillor elected ²[. . . .] in a casual vacancy under sub-section (2) shall enter upon office forthwith, but shall hold office so long only as the councillor in whose place he is elected ²[. . . .] would have been entitled to hold office if the vacancy had not occurred.]

Election of
aldermen.

¹[56-C. (1) ⁵(Vacancies arising by efflux of time in the office of aldermen shall be filled by election at a meeting of the persons who on the first day of November on which such vacancies will arise will enter upon office as councillors). Such meeting shall be convened by the Mayor and shall be held on such day in the month of October immediately preceding the vacancies, as he may, with the approval of the ⁶ (State Government), determine.

(2) A casual vacancy in the office of an alderman shall be filled by election at a meeting of the elected and appointed councillors convened by the Mayor as soon as may be after the occurrence of the vacancy.

(3) An alderman elected at a casual election shall enter upon office forthwith but shall hold office so long only as the alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

¹ Sections 56-A, 56-B and 56-C were inserted by section 35 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "or appointed" were omitted by section 11 of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

³ The brackets and letter "(f)" were omitted by *ibid.*

⁴ The words "or appointment, as the case may be" were omitted by *ibid.*

⁵ This sentence was substituted for the following sentence by section 4 of the Madras City Municipal (Amendment) Act, 1939 (Madras Act XX of 1939) :—

"Vacancies arising in the office of aldermen by efflux of time on the first day of November in any year shall be filled by election at a meeting—

(a) of the elected and appointed councillors, excluding those who will vacate office on the said day; and

(b) of the persons who will enter upon office as councillors on the said day".

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(4) If from any cause any one or more of the aldermen for whose election a meeting is held under sub-section (1) or sub-section (2), are not elected, the Mayor shall fix a day for a fresh election.

(5) The term of office of an alderman elected at an election held under sub-section (4) 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.]

¹(57. ²[(1) If any person has been elected—

(a) for two or more divisions or by two or more labour electorates or by two or more of the institutions or bodies referred to in clauses (c) to (g) of sub-section (1) of section 5 ; or

Election of same person for more than one division, institution or body.

(b) for one or more divisions and by one or more labour electorates for one or more of the said institutions or bodies ; or

(c) by one or more labour electorates and by one or more of the said institutions or bodies ;

(d) for one or more divisions, by one or more labour electorates, and by one or more of the said institutions or bodies,

he shall, within three days from the date of the last of such elections, intimate to the commissioner, the division, the labour electorate, the institution for the body for which he chooses to serve].

(2) In default of such intimation, the commissioner shall determine by lot and notify ³[the division, labour electorate, institution or body] for which such person shall serve.

⁴ [(3) The said person shall be deemed to have been elected only for the division, labour electorate, institution, or body so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other divisions, labour electorates, institutions or bodies shall be filled by fresh elections.]

¹ This section was substituted for original section 57 by section 36 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-section was substituted for sub-section (1) by section 12 (i) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

³ These words were substituted for the words " the division or the institution or body " by section 12 (ii), *ibid.*

⁴ This sub-section was substituted for sub-section (3) by section 12 (iii), *ibid.*

Notification of elections and appointments.

¹[58. All elections of the Mayor, Deputy Mayor, and aldermen and all elections or appointments of councillors shall be notified in the ²(Official Gazette).]

Power of State Government to make election rules.

59. (1) The ³[State Government] may make rules regulating the procedure with regard to ⁴[elections and appointments].

(2) Without prejudice to the generality of subsection (1) such rules may—

⁵ [(a) * * * * *] ;

(b) provide for the adjudication by the Court of Small Causes of disputes ⁶[.] arising out of ⁷[elections or appointments]; ⁸[and

(c) provide for all matters not expressly provided for in this Act relating to the election of the Mayor, the Deputy Mayor, councillors or aldermen 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.

⁹(* * * * *)].

¹⁰[60 * * * * *]

¹⁰[61 * * * * *]

¹ This section was substituted for the original section by section 37 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words “ *Fort St. George Gazette* ” by the Adaptation Order of 1937.

³ The words “ Provincial Government ” were substituted for the words “ Local Government ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

⁴ These words were substituted for the words “ divisional and other elections ” by section 38 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ Clause (a) was omitted by section 2 (9) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁶ The words “ relating to electoral rolls or ” were omitted by *ibid.*

⁷ These words were substituted for the word “ elections ” by section 83 (ii) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁸ This was added by section 38 (ii) (b), *ibid.*

⁹ The second proviso which ran as follows was omitted by section 2 (i) of the Madras City Municipal, District Municipalities, and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939):—

“ Provided further that no deposit shall be required from any candidate in respect of a seat reserved for members of the scheduled castes or for labour.”

¹⁰ Sections 60 to 65 were omitted by section 39 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936)

Election Offences.

¹ [62 to 65 * * * * *]

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.

Infringement of secrecy of election.

² [67 to 70 * * * * *]

³ [71. Every person convicted of an offence punishable under section 66 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 councillor or alderman for a period of five years from the date of his conviction or for such shorter period as the Court may, by order, determine.]

Order of disqualification.

Central Act XLV of 1860.

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

Property.

⁴ [72. * * * * *]

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

Limitation of power to accept property in trust.

74. Subject to the provisions of section 80, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property :

Acquisition of property and interests therein.

¹ Sections 60, 61, 62, 63, 64 and 65 were omitted by section 39 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sections 67, 68, 69 and 70 were omitted by *ibid.*

³ This section was substituted for original section 71 by section 40, *ibid.*

⁴ Section 72 was omitted by the Adaptation Order of 1937.

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.

¹ [(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the standing committee in that behalf.]

Central
Act I of
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.

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

² [76-A. The ³ (State Government) may with the consent of the council transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution :

Objects not provided for by this Act.

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the ³ (State Government).]

Contracts.

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 council to determine whether works shall be executed by contract.

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

Power of the several authorities to sanction estimates.

(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.

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,—

Works costing more than 50,000 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.

¹ This sub-section was added by section 41 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was inserted by section 42, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹[State Government].

(b) The ¹[State Government] 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 ¹[State Government] with or without modification.

(d) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the ¹[State Government].

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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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: Mode of making contracts.

Provided that—

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

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

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

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

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

(2) The common seal of the corporation shall remain in the custody of the commissioner and shall not be affixed to any contract or other instrument except in the presence of the commissioner or of two members of the standing committee, and the commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

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: Invitation of tenders.

Provided that the standing committee may ¹[at the instance of the commissioner and] 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,

¹ These words were inserted by section 43 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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, etc.

85. (1) The council shall appoint a health officer, an engineer, ¹[an electrical engineer, a water-works engineer, a revenue officer, and educational officer, and such other officers as it may consider necessary] who shall be heads of departments working under the commissioner. ²[The salary and allowances attaching to every such appointment shall be fixed by the council subject to the sanction of the ³ (State) Government, and shall not be varied without the like sanction] :

Provided that—

(a) every such appointment shall be subject to confirmation by the ⁴[State Government] ; ⁵[...]

⁶[(b) the monthly salary of the health officer and the engineer, the electrical engineer, [⁷ the water-works engineer] and the revenue officer ⁸ (.) shall not exceed twelve hundred rupees] ; ⁹[and]

¹⁰[

¹ These words were substituted for the words "and a revenue officer" by section 44 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sentence was added by section 2 (i) of the Madras City Municipal (Amendment) Act, 1938 (Madras Act I of 1938).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ The word "and" was omitted by section 44 (ii) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁶ This clause was substituted for original clause (b) by section 44 (ii) (b), *ibid.*

⁷ The comma and the words were inserted by section 2 (a) (i) of the Madras City Municipal (Amendment) Act, 1954 (Madras Act XII of 1954).

⁸ The words "shall not be less than five hundred rupees and" were omitted by section 2 (ii) of the Madras City Municipal (Amendment) Act, 1938 (Madras Act I of 1938).

⁹ The word "and" was inserted by section 2 (a) (ii) of the Madras City Municipal (Amendment) Act, 1954 (Madras Act XII of 1954).

¹⁰ Clauses (c) and (d) were added by section 44 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Clause (c) and the word "and" were omitted by section 2 (b) of Madras Act XII of 1954, *ibid.*

¹ [(c)] the monthly salary of the educational officer
² () shall not exceed eight hundred rupees]

³ [(2) 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.]

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 ;

Special superior appointments.

(b) ⁴ [. . .] engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any ⁵ [scheme or work 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 ⁶ [State Government] ;

(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 ⁶ [State Government], 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 ⁶ [State Government].

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.

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

¹ Clause (d) was relettered as clause (c) by section 2 (b) of the Madras City Municipal (Amendment) Act, 1954 (Madras Act XII of 1954).

² The words " shall not be less than two hundred and fifty rupees and " were omitted by section 2 (iv) of the Madras City Municipal (Amendment) Act, 1938 (Madras Act I of 1938).

³ This sub-section was substituted for original sub-section (2) by section 4 of the Madras City Municipal (Amendment) Act, 1923 (Madras Act III of 1923).

⁴ The word " special " was omitted by section 45 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were substituted for the words " special scheme undertaken by the corporation " by *ibid.*

⁶ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(2) If the ¹[State Government] ²[refuse to confirm] the appointment so made, the council shall make a fresh appointment within ³[forty-five] 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 ¹[State Government] 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 ¹[State Government] under section 86 in respect of the office.

Removal
and leave,
pensionary
and leave
contribu-
tions 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 ¹[State Government] ⁴[. . . .].

(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 :

⁵[Provided that where such officer is in the ⁶(service of the Government) such leave shall be granted by the ¹(State Government).]

(3) If any such officer is a civil or military officer in the ⁶[service of the Government], ⁷[he shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "refuses to confirm" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This word was substituted for the word "thirty" by section 46, *ibid.*

⁴ The words "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" were omitted by section 47 (i), *ibid.*

⁵ This proviso was added by section 47 (ii), *ibid.*

⁶ The words "service of the Crown" were substituted for the words "service of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "the corporation shall contribute to his leave allowances" by section 47 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ (make) such contribution towards his passages, leave allowances], pension and provident fund ² [as may be payable under such rules and regulations] ³ [by him or on his behalf].

(4) If any such officer is not a civil or military officer in the ⁴ [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 ⁵ [State Government] :

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 ⁵ [State Government] 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 these for the time being prescribed for such Government servants.

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 ⁵ [State Government] ⁶ [if they consider] immediate action necessary, may ⁷ [of their own motion] appoint a special health officer wholly or partly at the expense of the municipal fund :

Power of State Government to appoint special health officers.

Provided that—

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

¹ This word was substituted for the words "pay to the Local Government" by the Adaptation Order of 1937.

² These words were substituted for the words "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" by section 47 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were inserted by the Adaptation Order of 1937.

⁴ The words "service of the Crown" were substituted for the words "service of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "if he considers" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁷ These words were substituted for the words "of his own motion" by *ibid.*

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

Appoint-
ments to
corporation
establish-
ment.

-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.

Establish-
ment
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:

¹ [Provided that any amendment or modification made by the standing committee or the council shall relate only to alterations in, additions to, or omissions from, the schedule previously in force, which are proposed by the commissioner :]

Provided ² [further] that no new office shall be created without the sanction of the ³ [State Government] if the maximum monthly salary exceeds two hundred and fifty rupees.

Restriction
of employ-
ment of
establish-
ment.

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.

Commission-
er controls
corporation
establish-
ment.

93. Subject to the provisions of this Act and to the by-laws and regulations for the time being in force, the commissioners 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.

¹ This proviso was inserted by section 2 of the Madras City Municipal (Amendment) Act, 1943 (Madras Act XI of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² This word was inserted by Madras Act XI of 1943, *ibid*.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹ [94. (1)] If an officer or servant serving or having served under the corporation is or has been transferred from or to the ²[service of the Government], or is employed ³[partly under the Government and partly by the corporation, the corporation shall ⁴[⁵ (make) (such contribution towards his passages, leave allowances, pension and provident fund as may be ⁶ (required to be made by him or on his behalf) under the rules and regulations of the branch of Government service to which he belongs.

Contributions in respect of servants of the Government.

⁷ [(2) Every Government servant employed by the corporation shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.]

95. Subject to the provisions of ⁸[this Act], the standing committee may frame regulations in respect of the corporation establishment—

Power of standing committee to frame service regulations.

(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:

¹ Section 94 was renumbered as sub-section (1) of section 94 by section 48 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "service of the Crown" were substituted for the words "service of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

³ The words "partly under the Crown" were substituted for the words "partly by the Crown" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "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" by section 48 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This word was substituted for the words "pay to the Government" by the Adaptation Order of 1937.

⁶ These words were substituted for the word "payable" by *ibid.*

⁷ This sub-section was added by section 48 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁸ These words were substituted for the words and figures "sections 86, 88 and 94" by section 49 (i), *ibid.*

Provided that every regulation so framed shall be subject to confirmation by the council, and that every regulation framed under ¹ [clause (b) in respect of any officer whose appointment is subject to confirmation by the ² (State Government) or] clause (d) or clause (e) shall also require the sanction of the ² [State Government]:

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 ² [State Government] 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
establish-
ment.

96. ³ [(1) Subject to the provisions of section 94, if any officer or servant in the service of the corporation other than an officer appointed under section 85, section 86 or sub-section (3) of section 87 is guilty of any breach of any departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is unfit, the authority competent to appoint such officer or servant may impose the following penalties on him, namely :—

- (i) censure ;
- (ii) withholding of increments or promotion, including stoppage at an efficiency bar ;
- (iii) reduction to a lower post or time-scale, or to a lower stage in a time-scale ;
- (iv) fine ;
- (v) recovery from pay of the whole or part of any pecuniary loss caused to the corporation ;
- (vi) suspension ;
- (vii) removal from the service of the corporation, which does not disqualify from future employment ; and
- (viii) dismissal from the service of the corporation which ordinarily disqualifies from future employment.

¹ This expression was inserted by section 49 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These sub-sections were substituted for original sub-section (1) by section 50 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(2) Any order passed under sub-section (1) shall be final:

Provided that any officer or servant in receipt of a monthly salary of not less than fifty rupees may appeal to the standing committee against any order of the commissioner reducing, removing or dismissing him or suspending him for a period of more than one month:

Provided further that any officer or servant in receipt of a monthly salary exceeding one hundred rupees may appeal to the ¹(State Government) against an order of dismissal, within a period of one month from the date of the order passed by the standing committee, on appeal from such order of dismissal:

Provided further that no Government servant employed by the corporation shall be dismissed from such employment without the consent of the ²(Government concerned) 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.]

³ [(3)] 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.

97. Save as provided in ⁴[sections 88 and 94], leave may be granted to the corporation establishment by the commissioner.

Power to grant leave to establishment.

PART III

TAXATION AND FINANCE.

CHAPTER V—TAXATION.

Enumeration of Taxes.

98. The ⁵[council] may levy—

- (a) a property tax,
- (b) a tax on companies,

Enumeration of taxes and duties.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

³ Original sub-section (2) was renumbered as sub-section (3) by section 50 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ These words and figures were substituted for the word and figures "section 88" by section 51, *ibid.*

⁵ This word was substituted for the word "corporation" by section 52 (i), *ibid.*

(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 ² (State Government), levy,

(g) a tax on advertisements]

and may, with the previous sanction of the ² [State Government] ³ [. . .], levy

⁴ [(h) a duty on certain transfers of property in the shape of an additional stamp duty:

⁵ [Provided that the tax on companies shall only be leviable if it was being levied immediately before the commencement of ⁶ (the Constitution) and shall only be leviable until provision to the contrary is made by ⁷ (Parliament by law)].

Powers of
control of
State
Government.

⁸ [98-A. (1) Before the council passes any resolution imposing a tax or duty for the first time it shall direct the commissioner to publish a notice in the ⁹ (Official Gazette) and in the local newspapers of its intention and fix a reasonable period not being less than one month from the date of publication of such notice in the ⁹ (Official Gazette) for submission of objections. The council may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax or duty. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which such tax or duty shall be levied.

(2) When the council shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.

¹ This was inserted by section 52 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "and the Governor-General in Council" were omitted by the Adaptation Order of 1937.

⁴ Original Clause (g) was re-lettered as clause (h) by section 52 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This proviso was inserted by the Adaptation Order of 1937.

⁶ These words were substituted for "Part III of the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

⁷ These words were substituted for the words "the Central Legislature" by *ibid.*

⁸ This section was inserted by section 53 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁹ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

(3) Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied shall not be carried into effect without the sanction of the ¹ (State Government), but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied; provided that such reduction does not contravene the proviso to sub-section (2) of section 99.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rates or the date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council without the sanction of or a direction from the ¹ (State Government).]

The Property Tax.

99. ² [(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 the city save those exempted by or under this Act or any other law. The property tax may comprise—

Description
and class of
property tax.

(a) a tax for general purposes;

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

(c) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city:

Provided that where the water and drainage tax is levied the 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 notice published under sub-section (2) of section 98-A.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the council:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15½ per cent or greater than 20 per cent of its annual value.]

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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These sub-sections were substituted for original sub-sections (1) and (2) by section 54 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the Mayor.]

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 ² [at the time of assessment] reasonably be expected to let from month to month or from year to year ³ [less a deduction, in the case of buildings, of ten per cent of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and the adjacent lands occupied as an appurtenance thereto] and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

⁴ [(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 commissioner be estimated

the annual value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time of assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost, and]

(b) machinery ⁵ [and furniture] shall be excluded from valuations under this section:

⁶ [Provided further that where the annual value of any land or building is attributable partly to the use of such land or building or any portion thereof for the display of any advertisement or advertisements and tax is levied under this

¹ This proviso was added by section 54 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 55 (i), *ibid.*

³ These words were substituted for the words "less a deduction in the case of buildings only of ten per centum of such annual rent" by section 2 (1) of the Madras City Municipal and District Municipalities (Amendment) Act, 1944 (Madras Act III of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948). This amendment should be deemed to have taken effect from the commencement of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), which originally amended this sub-section by inserting the words "in the case of buildings only".

⁴ This clause was substituted for original clause (a) by section 55 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were inserted by section 55 (iii), *ibid.*

⁶ This proviso was added by section 55 (iv), *ibid.*

Act in respect of such advertisement or advertisements, the annual value of such land or building for the purpose of assessing the property tax thereon shall be ascertained as if such land, building or portion is not used for the display of such advertisement or advertisements.]

¹ [(3) The ² (State) Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised in any case or class of cases to which clause (a) of the first proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases.]

101. The following buildings and lands shall be exempt from the property tax:— General exemptions.

(a) ³ [places] set apart for public worship and either actually so used or used for no other purpose;

⁴ [(b) choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes;

(c) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or public offices;

(e) charitable hospitals and dispensaries but not including residential quarters attached thereto;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the ⁵ [State Government], but not including residential quarters attached thereto;]

Central
Act
VII of
1904.

¹ This sub-section was added by section 2 of the Madras City Municipal and District Municipalities (Second Amendment) Act, 1942 (Madras Act XXXVI of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word was substituted for the word "buildings" by section 56 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ These clauses were substituted for original clause (b) by section 56 (ii), *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹ [(g)] burial and burning grounds included in the list published by the commissioner under section 321 (3) of this Act;

¹ [(h)] the bed of the Cooum, the bed of the Adyar, the Buckingham canal, ² [³(Government lands) set apart free for recreation purposes] ⁴ [and all such other ⁵ (Government property) (being neither buildings nor land from which in the opinion of ⁶ [the State Government] any income could be derived) as may from time to time be notified by the. ⁷ (State Government):]

⁸ [Provided that ⁹ (the Government) ¹⁰ (does) not derive any income from such beds]; and

¹ [(i)] ¹¹ [any building or land the annual value of which is less than thirty-six rupees provided that the owner thereof is not liable to profession-tax or income-tax and provided further that no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than thirty-six rupees:]

¹² [Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any

¹ Original clauses (c), (d) and (e) were re-lettered as clauses (g), (h) and (i) respectively by section 56(ii) of the Madras City Municipal (Amendment) Acts, 1936 (Madras Act X of 1936).

² These words were inserted by section 56(iii), *ibid*.

³ The words "Crown lands" were substituted for the words "Government lands" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "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" by section 56(iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ The words "Crown property" were substituted for the words "property of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁶ The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ This proviso was inserted by section 56(iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁹ The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

¹⁰ This word was substituted for the word "do" by the Adaptation Order of 1937.

¹¹ This clause was substituted for original clause (e) re-lettered as (i), by section 56(iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹² This proviso was added by section 2 (ii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act of XXI 1939).

building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.]

102. ¹ [The rates of property tax fixed by the council may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land, increases. When a progressive rate has been adopted by the council, it shall prescribe the principles of classification (as that a certain sum which shall be tax-free shall be deducted from the assessment of each building or land or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class) and the precise number and limits of each class:]

Special exemptions and alternative bases of property tax.

Provided that—

(a) the council may, with the sanction of the ² [State Government], 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 ³ [such area is not deriving any or the full benefit] from the water-supply and drainage or from the lighting system;

⁴ [* * * * *]

⁴ [(b)] 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;

⁴ [(c)] 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.

¹ This was substituted for the words "The council shall levy the property tax at a uniform rate" by section 57(i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "such areas are not deriving benefit" by section 57 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ Clause (b) was omitted and clauses (c) and (d) were relettered as clauses (b) and (c) respectively by section 57 (iii), *ibid.*

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.

Property tax when payable.

¹ **104.** 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 fifteen days after the commencement of the half-year.]

Vacancy remission.

² **105** (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 commissioner 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 claim 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 claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the commissioner—

(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.

(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.]

¹ This section was substituted for original section 104 by section 58 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was substituted for original section 105 by section 59, *ibid.*

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.

Obligation of transferor and transferee to give notice of transfer.

(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 ¹ [in addition to any other liability which he may incur through such neglect] continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

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

(b) the prior claim of the corporation under section 103.

² [107. (1) (a) If any building in the city is constructed or re-constructed, the owner shall give notice thereof to the commissioner within fifteen days from the date of completion or occupation of the building, whichever is earlier.

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

(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,

¹ These words were inserted by section 60 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61, *ibid.*

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 the city is demolished or destroyed, the owner shall, until notice thereof is given to the commissioner, be liable for the payment of the property tax for which he would have been liable 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 succeeding 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 [108. (1) If any area is included in the city, 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

(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 the city, 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 succeeding 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 commissioner within three months from the date of the exclusion of the area in which the building or land is situated.]

¹ Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [108-A. The commissioner may at his discretion condone omissions to give notice ²(under section 105, 106, 107 or 108), giving his reasons in writing for every such condonation.]

Power of commissioner to condone omission to give notice.

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 ³ [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 fourteen days after such service in other cases] with returns of the rent payable for the building or land, the cost of erecting the building and the measurement of the land ⁴[and with such other information as the commissioner may require], 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.

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

(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.

⁵ [110. If the council by a resolution determines that a tax on companies shall be levied, every company which, after the date specified in the notice published under sub-section (2) of section 98-A transacts business within the city in any half-year for not less than sixty days in the aggregate shall pay, in addition to any licence fee that may be leviable under this Act, a half-yearly tax assessed in accordance with the rules in Schedule IV, but in no case exceeding rupees one thousand :

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

Provided that any society, which is registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, and the paid-up capital of which is less than fifty thousand rupees and any other society registered or deemed to be registered under the same Act and any society registered under the ⁶[Companies Act, 1956] and intended solely for the

Madras Act VI of 1932.

¹ Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words and figures were substituted for the words and figures "under sections 105, 106, 107 or 108" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

³ These words were substituted for the words "within a week after the service of the notice" by section 62(i) of Madras Act X of 1936 *ibid.*

⁴ These words were inserted by section 62 (ii), *ibid.*

⁵ This section was substituted for original section 110 by section 63, *ibid.*

⁶ The words and figures "Companies Act, 1956" were substituted for the words "Indian Companies Act" by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

benefit of poor and destitute families, which on the recommendation of the commissioner the council may by resolution exempt from the payment of the tax on companies, shall not be liable to the tax on companies, but such society shall be liable to profession tax.]

Profession Tax.

Tax on professions, arts, callings, business and appointments.

¹ [III. (1) If the council by a resolution determines that a profession tax shall be levied, every person not liable to the tax on companies, who, after the date specified in the notice published under sub-section (2) of section 98-A, in any half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within the city for not less than sixty days in the aggregate, or

(ii) outside the city but who resides in the city for not less than sixty days in the aggregate; or

(b) resides in the city for not less than sixty days in the aggregate and is in receipt of any pension or income from investments,

shall pay, in addition to any licence fee that may be leviable under this Act, a half-yearly tax, assessed in accordance with the rules in Schedule IV, but in no case exceeding rupees five hundred.

Explanation 1.—A person shall be deemed to have exercised a profession, art or calling or held an appointment within the city if the person has an office or place of employment within the city.

Explanation 2.—A touring officer whose headquarters is within the city shall be liable for the payment of profession tax even though he has not stayed at headquarters for the period specified in this sub-section provided that his connexion with the appointment has subsisted for such period.

Explanation 3.—Every person who exercises a profession, art or calling or holds any appointment within the limits of Fort St. George shall be deemed to exercise such profession, art or calling or to hold such appointment within the city.

Explanation 4.—Any amount received by a person in commutation of his pension or any portion of his pension, shall not be deemed to be a pension within the meaning of this sub-section.

(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.

¹ This section was substituted for original section III by section 64 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(3) Nothing contained in this section shall be deemed to render a person who resides within the local limits of any 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 ¹(State Government) shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the ¹(State Government) shall be final:]

² [Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the ³(State) Government shall be subject to the concurrence of the Central Government].

⁴ [112. The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of that firm, association or family.]

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

Provisions common to Companies' and Profession Tax.

⁵ [113. (1) The expression "transacts business" in sections 110 and 111 shall be deemed to include the doing of acts of business of whatever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders, or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

Payment when due and notice to pay.

(2) Where for the purpose of transacting business within the city a company or person has an office or has an agent or firm to represent it or him, the company or person shall be deemed to transact business within the city, whether or not such office, agent or firm has power to make binding contracts on behalf of the company or person; and the person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by the company or person.

(3) A company otherwise liable to the tax on companies under section 110 or a person otherwise liable to profession tax under section 111 shall not cease to be liable to such tax by reason only of its or his head office or the place from which its or his business is controlled being situated outside the city or by reason only of the fact that its or his transactions are closed outside the city.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This proviso was inserted by the Adaptation Order of 1937.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This section was substituted for original section 112 by section 65 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This section was substituted for original section 113 by section 66, *ibid.*

(4) Every company or person transacting business within the limits of Fort St. George, shall be deemed to transact such business within the city.

(5) If a company or person proves that it or he has paid the sum due on account of the companies' or profession tax levied under this Act or under the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920¹, or any tax of the nature of a companies' or profession tax imposed under the Cantonments Act, 1924, for the same half-year, to the Corporation of Madras or any other municipal council or any 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 the Corporation of Madras or any other municipal council or to any 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 companies' or profession tax for the half-year under this Act or any of the aforesaid Acts.

(6) If the companies' or profession tax due from any company or person in respect of any half-year is not paid, the commissioner shall cause a notice to be served on such company or person to pay such tax within fifteen days of the date of such service.]

Statements, returns, etc., to be confidential.

² [113-A. All statements made, returns furnished or accounts or documents produced in connexion with the assessment of companies' or profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.]

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

114. The commissioner may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all ³ [persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers] and specifying the profession, art, trade or calling or appointment of every such person and the rent, if any, paid by him ⁴ [and the period of such occupation].

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

¹ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

² This section was inserted by section 67 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "persons occupying such building or land" by section 68 (i), *ibid.*

⁴ These words were added by section 68 (ii), *ibid.*

Madras Act V of 1920. Madras Act XIV of 1920. Central Act II of 1924.

by such office, hotel, boarding-house or club, firm or company as officers, servants, dubashes, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons; and

(b) to furnish particulars in regard to any ¹ [company] of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on Carriages and Animals.

116. ² [(1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.] General provisions regarding tax on carriages and animals.

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

117. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year. Liability to tax according to period for which carriage or animal has been kept.

³ [(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.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year]

³ [(4) 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 [(5) 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.

118. The carriage and animal tax shall not be levied on— Exemptions.

(a) carriages and animals belonging to the ⁴ [Government];

¹ This word was substituted for the words "incorporated company" by section 69 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-section was substituted for original sub-section (1) by section 70, *ibid.*

³ Sub-sections (2) and (3) were substituted for the proviso to sub-section (1) and original sub-sections (2) and (3) were renumbered as (4) and (5) by section 71, *ibid.*

⁴ The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(b) carriages and animals belonging to members of the ¹ [city police] or to officers or servants of the corporation employed on out-door duties, ² [provided that the exemption under this clause shall extend only to a carriage or animal required to be kept by any such member, officer or servant for the discharge of his official duties];

(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.

³ [* * * * *]

Composition. **119.** With the sanction of the standing committee or in accordance with regulations framed by that body, the commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statement of persons liable to tax.

120. (1) The commissioner may by notice require the occupier of any premises to furnish him with a statement—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax;

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

Forms to be sent to and returned by tax-payers.

⁴ **[120-A.** (1) The Commissioner shall send to every person supposed to have become liable to the payment of the 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 commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, signed and dated and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

¹ These words were substituted for the words "town police" by section 72 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This proviso was substituted for the original proviso by *ibid.*

³ Clauses (f) and (g) were omitted by section 72 (ii) *ibid.*

⁴ This section was inserted by section 73, *ibid.*

(3) On the expiry of the period of one week referred to in sub-section (2) the commissioner 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 commissioner such person is liable on account of the tax on carriages and animals.]

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.

Grant of licence on payment of tax.

122. (1) The commissioner may direct that a municipal number shall be affixed—

Power to require numbers to be affixed to bicycles, etc.

(a) to every carriage let out for hire within the city, and

(b) to every bicycle and tricycle kept within the city.

¹ [* * * * *]

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Madras Act V of 1911.

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.

Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it.

Tax on Carts.

124. ²[(1) If the council by a resolution determines that a tax shall be levied on carts, the commissioner shall levy the said tax half-yearly at the rate or rates (which shall not exceed eight rupees per cart per half-year) fixed by the council and from the date specified in the notice published under section 98-A on all classes of carts kept within the city:

General provisions regarding cart-tax.

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person:

Provided further that in the case of single bullock carts the tax shall not exceed four rupees half-yearly:

¹ The proviso to sub-section (1) was omitted by section 74 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These sub-sections were substituted for original sub-sections (1) and (2) by section 75, *ibid.*

Provided further that in fixing the said rates, the council shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.]

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 ¹[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 kept²[. . .] within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Power to seize Carriages and Carts not bearing numbers.

Seizure of vehicles not bearing numbers.

127. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 122 or section 124, as the case may be, the commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Provided that no vehicle other than a bicycle, tricycle,³ [. . .] 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

¹ The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

² The words "or let out for hire" were omitted by section 76 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ The word "motor-bicycle" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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.

¹ [129. (1) If the council by a resolution determines that a tax shall be levied on timber brought into the city, such tax shall be levied at such rates, not exceeding five rupees per ton, and in such manner as may be determined by the council:

Tax on
timber.

Provided that no tax shall be levied on any timber brought into the city in the course of transit to any place outside the city and directly removed out of the city by rail, road or water.

(2) No timber shall, except in the case referred to in the proviso to sub-section (1), be brought into the city unless the tax due thereon has been paid.

(3) The tax shall be levied on timber kept within the city for sale if the commissioner has reason to believe that the tax, if any, due thereon has not been paid:

Provided that the tax shall not be levied if the person keeping the timber for sale produces satisfactory proof of the previous payment of the tax thereon.

(4) The commissioner may call for the accounts of any person keeping timber for sale for the purpose of levying the tax under sub-section (3).

¹ This section was substituted for original section 129 by section 77 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(5) If the commissioner is satisfied that any person has wilfully evaded the payment of any tax leviable under this section, the commissioner may direct that such person shall, in addition to such tax, pay by way of penalty a sum not exceeding the amount of such tax. Such penalty shall be recoverable in the same manner as the tax.

(6) The council may make by-laws for the seizure and sale of timber in respect of which the tax due is not paid and otherwise for carrying out all or any of the provisions relating to the levy of tax on timber.]

¹[*Tax on Advertisements.*]

Tax on
advertisements.

¹[129-A. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions as the council may, with the approval of the ² [State Government], by resolution determine :

Provided always that the rates shall be subject to the maxima and minima laid down by the ² [State Government] in this behalf :

Provided also that no tax shall be levied under this section on any advertisement or a notice—

- (a) of a public meeting, or
- (b) of an election to any legislative body or the Corporation of Madras, or
- (c) of a candidature in respect of such an election :

Provided further that no such tax shall be levied on any advertisement which is not a sky-sign and which

- (a) is exhibited within the window of any building; or
- (b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or
- (c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

¹ This heading and sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(d) relates to the business of any railway company; or
 (e) is exhibited within any railway station or upon any wall or other property of a railway company except any portion of the surface of such wall or property fronting any street.

Explanation 1.—The word ‘structure’ in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The expression ‘sky-sign’ shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression ‘sky-sign’ shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and¹ [does not extend] in height more than three feet above any part of the wall, or parapet or ridge to, against or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—‘Public place’ shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.]

¹ These words were substituted for the words “do not extend” by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

Prohibition of advertisements without written permission of Commissioner.

¹ [129-B. (1) No advertisement shall, after the levy of the tax under section 129-A has been determined upon by the council, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the commissioner.

(2) The commissioner shall not grant such permission if—

(i) the advertisement contravenes any by-law made by the council under clause (28) of section 349; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway company relating to the business of a railway company.]

Permission of the Commissioner to become void in certain cases.

¹ [129-C. The permission granted under section 129-B shall become void in the following cases, namely:—

(a) if the advertisement contravenes any by-law made by the council under clause (28) of section 349;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the Corporation Engineer;

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.]

Owner or person in occupation to be deemed responsible.

¹ [129-D. Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or

¹ Sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance]

¹ [129-E. If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.]

Removal of unauthorized advertisements.

¹ [129-F. The Commissioner may farm out the collection of any tax on advertisements leviable under section 129-A for any period not exceeding one year at a time on such terms and conditions as may be provided for by by-laws made under section 349.]

Collection of tax on advertisements.

² [. . . , *]

² [130 to 134. * * * * *]

Duty on Transfers of Property.

³ [135. The duty on transfers of property shall be levied—
(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated within the limits of the City; and

Method of assessment of duty on transfers of property.

Central Act II of 1899.

¹ Sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sections 130 to 134 and the heading thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

³ This section was substituted by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950 (Madras Act VII of 1950), for section 135 as amended by section 79 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and section 2 of the Madras City Municipal (Amendment) Act, 1945 (Madras Act XVIII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument:—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	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 ¹ [said Indian Stamp Act] 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 ² [same Act] 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 ³ [State Government] 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.

⁴ [General Provisions.]

Power to exempt from taxes.

⁴ [137-A. With the sanction of the ³ (State Government) the council may exempt any person or class of persons wholly

¹ These words were substituted for the words and figures " Indian Stamp Act, 1899 " by section 80 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words and figures " Indian Stamp Act, 1899 " by section 80 (ii), *ibid*.

³ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁴ This heading and sections 137-A and 137-B were inserted by section 81 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

or in part from the payment of any tax. But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a councillor or an alderman.]

¹ [137-B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any half-year or year, the commissioner may, at any time within three years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall so far as may be apply as if the assessment was made in the half-year or year to which the tax or fee relates.]

Power to assess in case of escape from assessment.

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

Rules in Schedule IV.

CHAPTER VI.—FINANCE.

The 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, ² [or other laws.]

Definition of municipal fund.

140. The ³ [State 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.

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.

⁴ [141-A. (1) If the expenditure incurred by the ³ (State Government) or by any local authority in the Presidency of Madras for any purpose authorized by or under Schedule V is such as to benefit the inhabitants of the city, the council may make a contribution towards such expenditure.

Contributions to expenditure by other local authorities.

¹ This heading and sections 137-A and 137-B were inserted by section 81 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were added by section 82 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This section was inserted by section 83 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(2) The ¹ (State Government) may direct the council to show cause, within a period fixed by the ¹ (State Government) in this behalf and not being less than one month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the council fails to show cause within the said period to the satisfaction of the ¹ (State Government), the ¹ (State Government) may direct it to make such contribution as they shall name and it shall be paid accordingly.]

Loans.

Power of
corporation
to borrow
money.

142. (1) The council may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties ² [. . .] fees and dues authorized by or under this Act, any sums of money which may be required—

(a) for the construction of works, ³ [or]

(b) for the acquisition of ⁴ [lands and buildings], or

⁵ [(c) for slum clearance and construction of tenements], ³ [or]

⁵ [(d)] to pay off any debt due to the Government, or

⁵ [(e)] to re-pay a loan previously raised under this Act or other Act previously in force:

⁶ [Provided that—

(i) no loan shall be raised without the previous sanction of the ¹ (State Government) or without previous publication of the application under the Local Authorities Loans Act, 1914, and the rules issued thereunder ; and

Central
Act IX of
1914.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The word "tolls" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

³ The word "or" was added at the end of clauses (a) and (c) by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁴ These words were substituted for the word "land" by section 84 (1) (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ New clause (c) was inserted, and the original clauses (c) and (d) were relettered as clauses (d) and (e), by section 84 (1) (ii), *ibid.*

⁶ This proviso was substituted for the original proviso by section 84 (1) (iii), *ibid.*

(ii) the amount of the loan, the rate of interest and the terms including the date of flotation, the time and method of re-payments and the like shall be subject to the approval of the ¹(State Government). ²(. . .)]

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

(a) no portion thereof shall without the previous sanction of the ¹[State Government] be applied to any purpose, other than that for which it was borrowed, and

(b) ³[no portion of any sum of money borrowed under clause (a) or clause (c) of sub-section (1)] 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.

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[State Government], extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for re-payment of money borrowed under section 142.

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[State Government], exceed twelve and a half per cent of the annual value of buildings and lands as determined under Chapter V.

Limit of borrowing powers.

145. All debentures issued under this chapter shall be in such form as the council, with the previous sanction of the ¹[State Government], 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.

Form and effect of debentures.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "and where the loan exceeds twenty-five lakhs of rupees, also of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

³ This expression was substituted for the words, figure, letter and brackets, "no portion of any sum of money borrowed under sub-section (1), clause (a)" by section 84 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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 : Central Act IX of 1872.

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

Receipt by joint holder for interest or dividend.

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

Maintenance and investment of sinking funds.

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

(2) All money paid into the sinking funds shall, as soon as possible, be invested ¹ [by the commissioner] in—

(a) securities of ² [the Central or the State Government], or

(b) securities guaranteed ³ [by the Central or the State Government], or

⁴ [(c) Madras, ⁵ (Calcutta and Bombay municipal debentures).]

and shall be invested in the joint names of ⁶ [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

¹ These words were substituted for the words "under the orders of the council" by section 85 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "the Central or the Provincial Government" were substituted for the words "the Government of India" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "by the Central or the Provincial Government" were substituted for the words "by the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This clause was substituted for original clause (c) by section 85 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were substituted for the words "Calcutta, Bombay and Karachi municipal debentures" by the Adaptation (Amendment) Order of 1950.

⁶ These words were substituted for the words "the Chief Secretary to the Government of Madras" by section 2 of the Madras City Municipal (Amendment) Act, 1924 (Madras Act IV of 1924).

by the corporation. ¹ [Every such investment shall be reported by the commissioner to the council within fifteen days.]

(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.

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: Application of sinking fund.

Provided that when any loans or parts thereof have been consolidated under section 151, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

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

(a) the amount which has been invested during the year under section 148,

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

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

(d) the aggregate amount which has up to the date of the statement been applied under section 149 in or towards discharging loans.

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

¹ This sentence was added by section 85 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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 ¹ [State Government].

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the ¹ [State Government] extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the re-payment of any such consolidated loan by a sinking fund in the manner laid down in section 148 having regard to the amount transferred to such sinking fund under section 149.

Priority of payments for interest and re-payment of loans over other 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 cost due in respect thereof, be not repaid according to the conditions of the loan, the ¹ [State Government] may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the ¹ [State Government] 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:

¹ The words "Provincial Government" were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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.

154. The commissioner shall, on or before the ¹ [fifteenth day of January] 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.

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

155. ² [(1) The standing committee on Taxation and Finance shall on or as soon as may be after the fifteenth day of January consider the estimates and proposals of the commissioner and after having obtained the proposals, if any, of other standing committees, and such further detailed information, if any, as it shall think fit to require from the commissioner 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.]

Budget estimate to be prepared by the standing committee on Taxation and Finance.

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

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

(b) allow for a cash balance at the end of the year of not less than ³ [one lakh and fifty thousand rupees under General Account—Revenue.]

(3) The commissioner shall cause the budget estimate, as finally approved by the standing committee, to be printed and shall, not later than the ⁴ [fifteenth day of February], forward a printed copy thereof to each councillor.

¹ These words were substituted for the words "tenth day of December" by section 86 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-section was substituted for original sub-section (1) by section 87 (i), *ibid.*

³ These words were substituted for the words "one lakh of rupees" by section 87 (ii), *ibid.*

⁴ These words were substituted for the words "fifteenth day of January" by section 87 (iii), *ibid.*

Consideration of budget estimate by the council.

156. At a meeting of the council which shall be called for ¹ [some day in the first week of March], 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 resubmission 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 ² [State Government].

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 ³ [under General Account—Revenue] at the close of the year shall be reduced below ⁴ [one lakh and fifty thousand rupees].

⁵ [160. * * * * *]

Reduction or transfer of budget grants.

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

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

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

Provided that—

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

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section 159;

¹ These words were substituted for the words "some day in February" by section 88 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 89 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ These words were substituted for the words "one lakh of rupees" by *ibid.*

⁵ This section was omitted by section 90, *ibid.*

(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.

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 ¹ [one lakh and fifty thousand rupees under General Account—Revenue], 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 ¹ [one lakh and fifty thousand rupees under General Account—Revenue] at the close of the year.

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

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

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

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

Public Water-supply

163. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the ² [Government]) connected with the

Vesting of works in corporation.

¹ These words were substituted for the words "one lakh of rupees" by section 91 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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 ¹ [Government]) adjacent and appertaining to the same, shall vest in the corporation ²[and be subject to its control].

Construction
of water-
works.

³ [164. (1)] The Corporation may, with the sanction of the ⁴ [State Government], 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.

⁵ [(2)] The corporation 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.]

Provision of
gratuitous
supply of
drinking
water.

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

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

Trespass on
water-
supply
premises.

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

Prohibition
of building
over water
mains.

167. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed the commissioner may, with the approval of the standing committee, cause

¹The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

² These words were added by section 92 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ Original section 164 was renumbered as sub-section (1) of section 164 by section 93, *ibid*.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This sub-section was added by section 93 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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.

168. All house-connexions, whether within or without the premises to which they belong, with the corporations' 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.

Control over house-connexions.

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

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

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 than¹ [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 re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

² [(4) Where on any land there are two or more super-structures the annual value of each of which is less than sixty rupees and the owner of the land is not the owner of all the

¹ This word was substituted for the words "one hundred and twenty" by section 2 of the Madras City Municipal (Amendment) Act, 1924 (Madras Act VI of 1925).

² This sub-section was substituted for original sub-section (4) by section 94 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

superstructures, the commissioner may, if it appears to him that the superstructures are 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 any such superstructure, by notice, require the owner of the land to obtain such supply].

(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, ¹ [or tanks] or for any ornamental or mechanical purpose,

² [(e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom, or

(f) for washing vehicles where they 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, ³[or

(iv) for the consumption and use of persons resorting to theatres and cinemas.]

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.

¹ These words were substituted for the words "tanks in or near temples and churches and mosques" by section 94 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These clauses were substituted for the original clause (e) by *ibid.*

³ This word and clause were added by section 94(iii), *ibid.*

(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 ¹ [and the amount shall be recoverable in the same manner as the property tax.]

Supply in special cases.

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 ² [State Government], whose decision shall be final. Supply to local authorities.

³ [*Cost of making the connexion, etc.*]

171-A. (1) Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it. Cost of making house connexion and of meter.

(2) Where a connexion for the supply of water is made at the instance of the commissioner, he may require the owner or occupier concerned to pay—

- (a) the cost of making the connexion;
- (b) the cost of the meter, if any, or such rent in respect thereof as may be fixed by the council; and
- (c) the charge for fixing the meter, if any.

(3) Where at the instance of the commissioner a meter is fixed to any connexion for the supply of water, he may require the owner or occupier concerned to pay—

- (a) the cost of the meter or such rent in respect thereof as may be fixed by the council; and
- (b) the charge for fixing the meter.

(4) All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax.

(5) Where an occupier has paid the cost of a meter or of fixing the same, he shall, unless the meter has been fixed as part of a connexion for which he has applied, be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.]

¹ These words were added by section 95 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The heading and section 171-A were inserted by section 96 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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;

¹ [(b) if a meter is not fixed to the service connexion of the premises in accordance with the provisions of the by-laws made by the council under section 349;

(c) if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the commissioner within the period specified therein;]

¹ [(d)] 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 ² [fifteen days] after a bill for such tax or sum has been presented;

¹ [(e)] 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;

¹ [(f)] if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;

¹ [(g)] 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;

¹ [(h)] 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;

¹ [(i)] 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:

¹ Clauses (b) and (c) were inserted, and the original clauses (b), (c), (d), (e), (f) and (g) were relettered as clauses (d), (e), (f), (g), (h) and (i) respectively, by section 97(1)(a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "thirty days" by section 97 (i) (b), *ibid.*

¹ [Provided that in cases falling under clause (f), (g), (h) or (i) the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.]

² [(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (d) of sub-section (1), except water-tax.

(b) The sums referred to in clause (a) shall be a charge on the premises.]

² [(3)] The expense of cutting off the supply shall be paid by the ³[owner and occupier of the premises jointly and severally.]

² [(4)] In cases ⁴ [under clause (d) of sub-section (1)] 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.

² [(5)] 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 for lighting public street, etc.

¹ This proviso was added by section 97 (i) (c) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² New sub-section (2) was inserted, and original sub-sections (2), (3) and (4) were renumbered as sub-sections (3), (4) and (5) respectively, by section 97 (ii), *ibid.*

³ These words were substituted for the words "owner or occupier of the premises" by section 97 (iii), *ibid.*

⁴ This expression was substituted for the expression "under clause (b)" by section 97 (iv), *ibid.*

Public Drainage.

Vesting of drains in the corporation.

175 All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

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

Private Drainage.

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

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

Connexion of house-drains with public drains.

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

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on any premises ¹ [or if within such distance a public drain or other place for the discharge of drainage is about to be provided or is in the process of construction] 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

¹ These words were inserted by section 2 (i) of the Madras City Municipal and District Municipalities (Amendment) Act, 1942 (Madras Act XXVII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

¹ [or other sewage disposal plant] 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.

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 ² [about to be provided or in the process of construction], 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 ³ [and shall be recoverable in the same manner as the property tax].

Commissioner's power to drain premises in combination.

(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.

¹ These words were inserted by section 98 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "about to be constructed" by section 2 (ii) of the Madras City Municipal and District Municipalities (Amendment) Act, 1942 (Madras Act XXVII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

³ These words were added by section 99 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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

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

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

(b) direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

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

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

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 387.

Construction of culverts by owner or occupier.

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

(2) Such culverts or drain-coverings shall be ¹ [of such form and size and consist of such materials and be provided with such means of ventilation] as may be specified in the

¹ These words were substituted for the words " of the form and size and consist of such materials " by section 100 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

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.

Maintenance of troughs and pipes for catching water.

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.

Provision 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.

Licensing of public latrines.

(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.

¹[**186.** (1) The commissioner may, by notice, require the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

Provision of latrines by owner or occupier.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.]

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

Provision of latrines and urinals for labourers.

¹ This section was substituted for original section 186 by section 101 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [flush-out or other 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 ¹ [flush-out or other 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 ¹ [flush-out or other latrines] shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

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

190. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not ² [vested in the ³ (Government) ⁴ (* * * *)] (and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:

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

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

¹ These words were substituted for the word "latrines" by section 102 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "owned by the Government of India" by the Adaptation Order of 1937.

³ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

⁴ The words "and under the control of the Central Government" were omitted by the Adaptation (Amendment) Order of 1950.

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 ¹ [State Government] 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 ¹ [State Government].

Powers of corporation in respect of works outside the city.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the city sanctioned by the ¹ [State Government] 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 ² [one mile] 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.

³ [194. (1) The commissioner shall—

Provision for removal of rubbish and filth.

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish and filth and for the final disposal of rubbish, filth and carcasses of animals;

(ii) provide dust-bins for the temporary deposit of rubbish;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "one thousand yards" by section 103 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This section was substituted for original section 194 by section 104, *ibid.*

(iii) provide vehicles or other suitable means for the removal of rubbish and carcasses of animals ; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.]

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 removals such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

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.

Contract with owner or occupier for 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.

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

199. All things deposited in depots or places provided or appointed under section 194 shall be the property of the corporation.

Rights of property of corporation in things deposited in receptacles. 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,

(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.

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.

Maintenance of establishment for removal of rubbish and filth.

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 accumulation of rubbish or filth on premises.

(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 methods of depositing rubbish or filth.

Prohibition of improper disposal of carcasses, rubbish and filth.

¹ [(3) No person shall after due provision has been made under sections 194 and 198 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 except for the purpose of deodorizing or disinfecting the filth.]

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

² [(4)] 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.

² [(5)] 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 along side 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.

Contributions from persons having control over places of pilgrimage, etc.

³ [202-A. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over

¹ Sub-section (3) was substituted for original sub-sections (3) and (4) by section 105 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Original sub-sections (5) and (6) were renumbered as sub-sections (4) and (5) respectively by section 105, *ibid.*

³ This section was inserted by section 106, *ibid.*

such place to make such recurring or non-recurring contribution to the funds of the corporation as the ¹ (State Government) may determine.]

CHAPTER IX.—STREETS.

Public Streets.

²[203. (1) All public streets in the city not reserved under the control of ³ [the Central or the State Government], with the pavements, stones and other materials thereof, and all works materials, implements and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

Vesting of public streets and their appurtenances in Corporation.

(2) The ¹ [State Government] may by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.]

⁴ [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.]

Maintenance and repair of streets.

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

Powers of authorities in regard to streets.

(a) lay out and make ⁵ [new public streets] ;

(b) construct bridges and subways ;

⁴ [(c) turn, divert, or with the special sanction of the council and the ¹ [State Government], permanently close any public street or part thereof ;]

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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was substituted for original section 203 by section 107 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ The words "the Central or the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Sections 204, 205 (1) (c) and 206 will not apply to any street which is vested in the Board of Trustees for the Improvement of the City of Madras under section 60 (1) of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950).

⁵ These words were substituted for the words "new streets" by section 108 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(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.

¹[(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.]

Power to dispose of permanently closed streets.

²[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.

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;

Power to prescribe building line and street alignment.

¹ This sub-section was added by section 108 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sections 204, 205 (1) (c) and 206 will not apply to any street which is vested in the Board of Trustees for the Improvement of the City of Madras under section 60 (1) of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950).

(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 ¹ [Official 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.

209. (1) No person shall construct any portion of any building within a street alignment defined under section 208 provided however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

Restrictions on erection of or addition to buildings within street alignment or building line.

(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.

¹ These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

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.

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. Projected streets.

(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.

¹ [213. The commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in Schedule V : Temporary closure of streets.

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

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. Protection of appurtenances and materials of streets

² [214-A. When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid : Power of the Corporation to recover expenses caused by extraordinary traffic.

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons

¹ Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Board of Trustees or when any public street is under construction by the Board by virtue of the provisions in section 60 (2) of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950).

² This section was inserted by section 109 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

so paying shall not be subject to any proceedings under this section.]

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, sewerage, 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.

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—

Alteration or demolition of street made in breach of section 216.

(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.

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 ¹ [require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building] to carry out any work which in his opinion may be necessary, and within such times as may be specified in such notice.

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

(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 ²[owners referred to in sub-section (1) in such proportions as may be settled by the commissioner].

¹ These words were substituted for the words "require the owners or occupiers of premises fronting or abutting on such street or part thereof" by section 110 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This expression was substituted for the words "owners or occupiers in default according to the frontage of their respective premises and in such proportion as may be settled by the commissioner" by section 110(ii), *ibid.*

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 ¹ [a majority of the owners referred to in subsection (1) of that section], 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 ² [obstruction or projection or make any encroachment] in or over any street ³ [or any public place the control of which is vested in the corporation] except as hereinafter provided.

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

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

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

Removal of encroachments.

222. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street ⁴ [or any public place the control of which is vested in the corporation].

(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 ⁵ [or where such period is less than thirty years, for a period of thirty years] 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.

⁶**[223.** (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises—

(a) to put up or continue to have verandas, balconies, sun-shades, weather-frames and the like, to project over a street, or

¹ This expression was substituted for the words "not less than three-fourths of the owners thereof" by section 111 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "obstruction, encroachment or projection" by section 112 (i), *ibid.*

³ These words were inserted by section 112 (ii), *ibid.*

⁴ These words were added by section 113 (i), *ibid.*

⁵ These words were inserted by section 113 (ii), *ibid.*

⁶ This section was substituted for original section 223 by section 114, *ibid.*

(b) in streets in which the construction of arcades has been sanctioned by the council, to put up or continue to have an arcade, or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) With the concurrence of the commissioner of police, the commissioner may grant a licence subject to such conditions and restrictions as he may think fit, for any temporary construction in any street or in any public place the control of which is vested in the corporation.

(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the commissioner 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 387 from the person to whom the licence was granted.]

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

(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, ² [cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.]

¹ Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Board of Trustees for the Improvement of the City of Madras or when any public street is under construction by the said Board by virtue of section 60 (2) of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950).

² These words were substituted for the words "complete the said work, fill in the ground, and repair the said drain, street or premises" by section 115 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Prohibition against removal of bars and lights.

¹ 225. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 224.

Making holes and causing obstruction.

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

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

(3) If any obstruction is caused in any street by the fall of structures, trees, or 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 ² [by written order] 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 or numbering of public streets.

228. (1) The council shall ³ [give names or numbers] to new public streets and may ⁴ [subject to the approval of the ⁵ (State Government), alter the name, or number of any public street].

¹ Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Board of Trustees for the Improvement of the City of Madras or when any public street is under construction by the said Board by virtue of section 60 (2) of the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950).

² These words were substituted for the words "by notice" by section 116 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "give names" by section 117 (i), *ibid.*

⁴ These words were substituted for the words "alter the name of any public street" by *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹ [or number] by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name ¹ [or number] or put up any name ¹ [or number] different from that put up by order of the commissioner.

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. Numbering
of buildings.

(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.

230. (1) The ² [State Government] may make rules— Building
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;

¹ These words were inserted by section 117 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 reconstruction 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.

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.

Buildings at corner of streets.

(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.

¹ **233.** (1) No external roof, veranda, pandal, or wall of a building and no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the commissioner. nor shall any such roof, veranda, pandal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

Prohibition against use of inflammable materials for buildings, etc., without permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.]

² *Buildings other than huts.*

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

Application to construct or re-construct building.

(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.

¹ This section was substituted for original section 233 by section 118 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Under section 5-A (1) of the Madras Cinemas Regulation Act, 1955 (Madras Act IX of 1955), the provisions of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct, or re-construct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

¹[*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.

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 ² [standing committee 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.

¹ This Explanation was added by section 119 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words “standing committee do not within fifteen days,” by section 120, *ibid.*

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:—

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

(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;

¹ [(6) that the proposed building would be an encroachment upon ² (Government or municipal land);

(7) that the site of such building does not abut on a street or a projected street, and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.]

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.

241. Notwithstanding anything contained in section 246 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.

Special powers for suspending permission to construct buildings.

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.

Lapse of permission if not acted upon within one year.

¹ Clauses (6) and (7) were inserted by section 121 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

Inspection
by commis-
sioner.

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
commis-
sioner 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 in 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 subsection (1), or confirm the same subject to such modification, 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 appli-
cable 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-con-
struct huts.

248. (1) Every person who intends to construct or reconstruct a hut shall send to the commissioner—

(a) an application in writing for permission to execute the work, any

(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
commence-
ment 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.

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.

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

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.

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

(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.

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

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

(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;

¹ [(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted; or

(6) that the proposed hut would be an encroachment upon ² (Government or municipal land).]

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.

¹ Clauses (5) and (6) were added by section 122 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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 [. . .] 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

¹The word "public" was omitted by section 123 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(iii) that any alteration of, or additions to, any building or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section 255, he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or to make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

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

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order with any modification he may think fit to make ¹ [and such order shall then be binding on the owner].

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 10 feet from the nearest adjacent building. Exemptions.

²[CHAPTER X-A.—CHERIS OR HUTTING GROUNDS.]

²[*Preliminary*].

² [257-A The standing committee may, subject to the approval of the council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause (8-A) of section 3 and the decision of the standing committee shall, on such approval, be final. The standing committee may also, subject to the approval of the council, define the external Power of standing committee to define and alter limits of cheris or hutting grounds.

¹ These words were added by section 124 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125, *ibid*.

limits of any cheri or hutting ground and from time to time alter such limits.]

¹ [Improvement of cheris or hutting grounds.]

Power of commissioner to require owner of cheri or hutting ground to carry out certain improvements.

¹ [257-B. (1) The commissioner may, for sanitary reasons, require the owner or owners of any cheri or hutting ground of which the total area as comprised within the limits defined under section 257-A is less than four thousand eight hundred square feet—

(a) to open up and construct such passages, not exceeding twelve feet in width, between the buildings or huts, and to provide such surface drains and latrines for the use of the tenants of the cheri or hutting ground, as the commissioner may think necessary; and

(b) to remove the whole or any portion of a hut provided that the owner of the building or hut shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, as the commissioner may determine.

(2) When the commissioner proposes to issue a requisition in respect of any cheri or hutting ground under sub-section (1), he shall prepare a standard plan showing the proposed improvements, and may then by written notice, call on the owner or owners of the cheri or hutting ground to show cause why the cheri or hutting ground should not be improved within a date to be fixed in conformity with the said plan.

(3) The provisions of sections 257-J, 257-K, 257-L, 257-Q, 257-T, 257-U and 257-X shall, with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).]

Power of commissioner to require preparation of standard plan by owner of cheri or hutting ground.

¹ [257-C. (1) The commissioner may, at any time, if it appears to him that any cheri or hutting ground, for sanitary reasons, requires improvement, serve a notice upon the owner of such cheri or hutting ground requiring him to prepare and submit a plan of the cheri or hutting ground, to the scale of thirty-three feet to the inch, showing—

(a) the manner in which the cheri or hutting ground should be laid out, with the buildings or huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging;

(b) the drains for the general use of the tenants of the cheri or hutting ground ;

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(c) the means of lighting, common water-supply, bathing arrangements (if any) and common privy accommodation to be provided for the use of the tenants;

(d) the streets and passages which are to be maintained for the benefit of the tenants;

(e) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved; and

(f) any other proposed improvements :

Provided that when there are two or more owners of a cheri or hutting ground the commissioner may require them to prepare and submit a joint plan of the cheri or hutting ground.

(2) The streets referred to in clause (d) of sub-section (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause shall be not less than twelve feet wide.

(3) If there is any masonry building within the limits of the cheri or hutting ground, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(4) The said plan shall be considered by the commissioner who may approve of it without modification or with such modifications as he thinks fit and the said plan as approved by the commissioner shall be deemed to be the standard plan of the cheri or hutting ground.]

¹ [257-D. (1) If, after the service of a notice under section 257-C on the owner or owners of any cheri or hutting ground—

(a) such owner or owners prefer for any reason to have a plan prepared for them by the commissioner, or

(b) such owner or owners fail to comply within sixty days with such notice, or

(c) such owners do not agree among themselves in the preparation of a plan as required by such notice,

the commissioner shall cause the cheri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the council in this behalf, and the other an engineer, and the commissioner on receipt of their

Preparation of standard plan by Commissioner where owners disagree, etc.

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under sub-section (1), the commissioner shall fix a day for the hearing of objections (if any) made by or on behalf of the owner or owners of the cheri or hutting ground and the owners of huts or masonry buildings therein, and after hearing such objections, may in his discretion, approve such plan either with or without modifications.

(3) Every plan of a cheri or hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the cheri or hutting ground.

(4) When the commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or owners of the cheri or hutting ground therefor at a rate not exceeding one rupee per two thousand four hundred square feet.]

Suspension of building pending preparation of standard plan.

¹ [257-E. When the owner or owners of a cheri or hutting ground have been required under section 257-C to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut within the cheri or hutting ground until a plan has been prepared and approved under that section or under section 257-D.]

Prohibition of building contrary to standard plan.

¹ [257-F. When a standard plan has been approved for any cheri or hutting ground under section 257-C or section 257-D, no new building or hut shall be erected and no addition shall be made to any building or hut in such cheri or hutting ground unless the building or hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a building or hut.]

Power of commissioner to require removal of building or hut not in conformity with standard plan.

¹ [257-G. (1) When a standard plan has been approved for any cheri or hutting ground under section 257-C or section 257-D, the commissioner may, at any time, by notice, require the owner of any building or hut in such cheri or hutting ground, which is not in conformity with the standard plan, to remove the whole or any portion of such building or hut.

(2) When a building or hut or portion of a building or hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials, if the owner elects to take these, as the commissioner may determine.]

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [257-H. (1) The commissioner may at any time, by notice, require the owner or owners of any cheri or hutting ground for which a standard plan has been prepared under section 257-C or section 257-D—

Power of commissioner to require carrying out of other improvements in conformity with standard plan.

(a) to construct the drains, privies, streets, and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(b) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(2) Until such notice is complied with, the commissioner may refuse to sanction the erection of a new building or hut or the making of any addition to any building or hut in the cheri or hutting ground.]

¹ [257-I. (1) If it appears to the commissioner that any cheri or hutting ground—

Inspection report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition

(a) by reason of the manner in which the buildings or huts are crowded together, or

(b) for any other reason,
is in such an unhealthy condition that the procedure provided by the foregoing sections of this chapter would be too dilatory to meet the emergency, he may, after giving notice to the owner or owners of the cheri or hutting ground, cause the cheri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the council in this behalf, and the other an engineer. In appointing such persons the commissioner shall consider any proposals made by the owner or owners of the cheri or hutting ground in this connexion.

(2) The said persons shall forthwith—

(a) submit a written report on the sanitary condition of the cheri or hutting ground,

(b) annex to the report a plan approved by them as a proper standard plan of such cheri or hutting ground, and

(c) certify—

(i) which of the improvements required to bring the cheri or hutting ground into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the cheri or hutting ground, and

(ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(3) The improvements referred to in sub-clauses (i) and (ii) of clause (c) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said schedules shall clearly indicate—

(a) the buildings or huts which should be removed wholly or in part,

(b) the streets, passages and drains which should be constructed,

(c) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for the use of the tenants,

(d) the tanks, wells and low lands which should be filled up,

(e) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the cheri or hutting ground, and

(f) any masonry building within the cheri or hutting ground, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.

(5) A report (together with the schedules annexed thereto) submitted under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.]

Approval by standing committee of standard plan and schedules annexed to report.

¹ [257-J. (1) The standing committee shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 257-I, and after considering the objections (if any) of the owner or owners of the cheri or hutting ground in respect of which the report has been made, and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (4) of section 257-I, may approve such plan and schedules after making such modifications (if any) therein as it may think fit.

(2) The plan so approved shall be deemed to be the standard plan of such cheri or hutting ground.]

Power of commissioner to require owners to carry out improvements specified in Schedule A.

¹ [257-K. When Schedule A annexed to a report made under section 257-I has been approved under section 257-J, the commissioner may cause a written notice to be served upon—

(a) the owners of the buildings or huts referred to in such Schedule A, or

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(b) the owner or owners of the cheri or hutting ground in which such buildings or huts are situated,

requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.]

¹[257-L. When any improvements required by a notice under section 257-K are carried out by the commissioner under section 380, all expenses incurred thereby, including such reasonable compensation as the commissioner may think fit to pay to the owners or occupiers of buildings or huts removed, shall be paid by the owner or owners of the cheri or hutting ground to the corporation and shall constitute a charge upon such cheri or hutting ground :

Payment of expenses incurred in carrying out improvements.

Provided that notwithstanding anything contained in section 384, if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee, have been done by the owners or occupiers of huts within the cheri or hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund, and in the case of expenses which should be paid by the owner or owners of the cheri or hutting ground, it may order the same or any portion thereof to be advanced out of the municipal fund, but thereafter to constitute a charge upon such cheri or hutting ground.]

¹[257-M. (1) If, in carrying out any improvements as provided in section 257-K the commissioner causes any building or hut or any portion thereof to be pulled down, he shall—

Disposal by the commissioner of materials of buildings or huts pulled down.

(a) cause the materials of such building, hut or portion to be given to the owner of the building or hut if such owner elects to take them; or

(b) if the owner does not elect to take the materials, or if the owner be unknown or the title to the building or hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 257-L.

(2) Any amount held in deposit under clause (b) of subsection (1) shall be so held by the corporation until any person obtains an order from a competent court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent court for the purposes of this section.]

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Power of standing committee to direct commissioner to purchase or acquire building or land in cheri or hutting ground.

¹ [257-N. The standing committee may, at any time after the receipt of a report made under section 257-I, direct the commissioner to purchase or acquire—

- (a) any building within such cheri or hutting ground, or
- (b) any land appertaining to such building, or
- (c) any such building, together with the land appertaining thereto or any portion thereof,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report provided however that it shall be competent for the commissioner to purchase any item of property mentioned above if it does not exceed rupees one thousand in value.]

Application of sections 257-F to 257-H to cheri or hutting ground for which standard plan has been approved under section 257-J.

¹ [257-O. When a standard plan of a cheri or hutting ground, and any Schedule B, annexed to the report made under section 257-I with respect to that cheri or hutting ground, have been approved under section 257-J—

- (a) the provisions of section 257-F shall apply to such cheri or hutting ground, and
- (b) the provisions of sections 257-G and 257-H shall apply to such cheri or hutting ground in respect of the improvements indicated in that schedule as provided in sub-section (4) of section 257-I.]

Alternative power of commissioner to make standard plan, to purchase or acquire cheri or hutting ground and to carry out improvements himself or through purchaser or lessee.

¹ [257-P. (1) Notwithstanding anything contained in sections 257-J to 257-O, the standing committee may, after receipt of a report made under section 257-I with respect to any cheri or hutting ground, and after giving an opportunity of being heard to the owner or owners thereof, pass a resolution to the effect that the cheri or hutting ground is an unhealthy area and that in its opinion, the purchase or acquisition of the cheri or hutting ground, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report.

(2) When any such resolution has been passed, the commissioner shall make a plan for the improvement of the said cheri or hutting ground or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said cheri, hutting ground or portion, and such plan shall be deemed to be the standard plan of the cheri or hutting ground.

(3) When any cheri or hutting ground or portion of a cheri or hutting ground has been so purchased or acquired, the commissioner shall as soon as is reasonably practicable, either—

- (a) sell or lease the same or part thereof to any person for the purpose and under the condition that he will, as regards

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(b) himself bring the said cheri, hutting ground or portion or any part of the same which has not been sold or leased under clause (a), into conformity with such standard plan, or

(c) take measures for the erection of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.

(4) Whenever the commissioner desires to sell or lease under sub-section (3) any cheri or hutting ground or any portion thereof, he shall, on application made on that behalf, give to the person from whom the same was purchased or acquired, or his heirs, executors or administrators, a preferential right to purchase or take on lease such cheri, hutting ground or portion at such rates and on such terms and conditions as may be fixed by the standing committee, if the standing committee considers that such right can be given without detriment to the carrying out of the purposes of this Act. If more than one person so applies, the standing committee shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such cheri or hutting ground or portion.]

¹ [257-Q. (1) No standard plan approved for a cheri or hutting ground under this chapter shall, without the consent of the owner thereof, show more than—

(a) one-third of the whole area of such cheri or hutting ground as streets or passages, or

(b) one-half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of buildings or huts.

(2) In calculating the said proportions of one-third and one-half of any such area, no tank situated therein that has not been filled up shall be taken into account.]

Proportions of area of cheri or hutting ground to be shown in standard plan as streets, passages and open lands.

¹ [257-R. (1) When the land included in a cheri or hutting ground is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this chapter for such cheri or hutting ground shall, as far as practicable, provide—

(a) for one or more buildings or huts being completely contained in each such plot, and

(b) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 257-Q.

Regulation of plots by standard plan and compensation for adjustments of plots.

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(2) If a greater proportion of any one such plot than the proportion specified in section 257-Q is so taken, such standard plan shall indicate—

(i) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation, the same shall be paid by the corporation.

(4) Any compensation payable under this section to the owner or owners of any land in a cheri or hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan.]

Streets and passages shown in standard plan if not public streets to remain private.

¹ [257-S. (1) Every street or passage in a cheri or hutting ground which is shown in the standard plan approved under this chapter for that cheri or hutting ground and which is not already a public street, shall, unless such street or passage is declared to be a public street under section 219, be deemed to be a private street and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 257-N shall remain the property of the corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the commissioner may require, and shall also be kept open for the use of all the tenants of the cheri or hutting ground:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a public street in clause (20) of section 3.]

Central Act IX of 1908.

Bathing arrangements and privy accommodation in cheri or hutting ground as shown in standard plan, to be kept open for use of tenants.

¹ [257-T. The bathing arrangements and privy accommodation in a cheri or hutting ground, which are shown in the standard plan approved under this chapter for such cheri or hutting ground as being common to the use of all or some of the tenants of the cheri or hutting ground, shall at all times be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such cheri or hutting ground, no such use shall, by reason of any lapse of time, be

Central Act IX of 1908.

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

held to confer any right on any person so as prejudicially to affect the rights of the owner of such land.]

¹ [257-U. (1) The owner or owners of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall maintain in proper order and repair, to the satisfaction of the commissioner such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works on the land as may be shown in the plan.

Owner of land in cheri or hutting ground to maintain certain conveniences on his land.

(2) The commissioner may, at any time, cause a notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works :

Provided that any convenience made by the owner of a building or hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the cheri or hutting ground.

(3) If the commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the cheri or hutting ground, the commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

(4) Notwithstanding anything contained in this section or in section 257-T, the scavenging of streets and common privies shall be done by the corporation free of charge.]

¹ [257-V. (1) The owner of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall be deemed to be the occupier of—

Right of owner of land and owner of building or hut over streets, land and drains shown in standard plan.

(a) all the streets, passages and common ground,

(b) all drains provided for the use of more than one hut, and

(c) the common bathing arrangements, common privies and means of lighting the cheri or hutting ground on such land so far as the same are constructed in accordance with the standard plan.

(2) The owner of any building or hut in such cheri or hutting ground shall be deemed to be the occupier of—

(i) the land on which such building or hut stands,

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(ii) the open space behind such building or hut which appertains thereto, and

(iii) every drain, privy, means of lighting or water connexion (if any) provided for the sole use of such building or hut.]

Cheri or hutting ground when to be deemed a remodelled cheri or hutting ground.

¹[257-W. When a cheri or hutting ground has been brought into conformity with the standard plan approved under this chapter for such cheri or hutting ground, it shall be deemed to be a remodelled cheri or hutting ground.]

Power of owner to take land out of the category of cheri or hutting ground in certain cases.

¹[257-X. (1) The owner of any land included in a cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this chapter or not, send notice to the commissioner that he intends to remove all the buildings or huts standing on such land:

Provided that the receipt of any such notice by the commissioner shall not be a bar to the approval by the commissioner or the standing committee under this chapter, of a standard plan for such cheri or hutting ground.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building for hut or adding to any building or hut standing on the land.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the commissioner may from time to time allow, remove all buildings or huts standing on such land; and, if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such buildings or huts have been so removed such land shall, according to its situation, either—

(i) be altogether excluded from the limits of the cheri or hutting ground, or

(ii) be shown in a standard plan approved for the cheri or hutting ground under this chapter, as not being a part of such cheri or hutting ground:

Provided that, if, in the standard plan, any street or passage is shown on such land, the provisions of sections 257-H, 257-K, 257-O, 257-S, 257-U, and 257-V, shall, with all necessary modifications, be deemed to apply to such street or passage unless the commissioner otherwise directs.

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(5) If, after all the buildings or huts standing on any land have been removed under sub-section (3), any application is received for erecting any building or hut on such land, the commissioner may, by notice, require the owner of the land to carry out such improvements included in the standard plan as he may think fit.

(6) When all the buildings or huts standing on any land within a cheri or hutting ground have been removed under sub-section (3), the standing committee may either—

(a) cancel the standard plan (if any) already approved under this chapter, for such cheri or hutting ground, or

(b) modify such plan, after hearing the objections (if any) of any owner of land included in such cheri or hutting ground.

(7) Where any land, formerly included in a cheri or hutting ground, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included the commissioner does not consider it to be practicable or expedient to change the alignment of such street, he shall, in applying the proviso to sub-section (4) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of the land which ceases to be included in the cheri or hutting ground.]

¹ [*Cheri or hutting ground streets.*]

¹ [257-Y. (1) In any cheri or hutting ground, in respect of which a standard plan has not been prepared, or in any area in which it appears to the commissioner, that huts are likely to be erected, the standing committee may, after considering the objections, if any, of any owner of land in such cheri or hutting ground, or in such area, prescribe alignments, not more than sixteen feet in width, for such private streets as it may think fit.

Power of standing committee to prescribe alignments for cheri or hutting ground streets.

(2) When the land within such cheri or hutting ground or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof and shall not ordinarily be less than one hundred feet apart.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the corporation shall pay such compensation to the owner of the plot as the standing committee may fix as reasonable:

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Provided that no compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No building or hut or portion thereof shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 257-S shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.]

Power of commissioner to require removal of existing huts within the street or hut alignment in cheri or hutting ground.

¹ [257-Z. (1) In any cheri or hutting ground, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(a) for a street under section 257-Y, or

(b) for buildings or huts,

the commissioner may, by notice require the owner of the land or the owners or occupiers of existing buildings or huts to remove such buildings or huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed building or hut alignment as the case may be.

(2) When a building or hut has been removed under the provisions of sub-section (1), the corporation shall pay to the owner thereof such compensation as the standing committee may consider to be reasonable, but such compensation shall in no case exceed the value of the building or hut less the value of the materials thereof.]

Power of commissioner to require space to be kept between masonry building in cheri or hutting ground and centre line of cheri or hutting ground street.

¹ [257-AA. Any person who erects a masonry building—
(a) in any cheri or hutting ground in respect of which a standard plan has been ² [approved under section 257-C, 257-D, or 257-J], or

(b) in any cheri or hutting ground or area in respect of which alignments for streets have been prescribed under section 257-Y,

shall, if so required by notice issued by the commissioner, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.]

Application of provisions of this chapter to alterations or additions.

¹ [257-BB. (1) The provisions of this chapter and of any rules or by-laws made under this Act in so far as they relate to construction and reconstruction of buildings or huts in cheris or hutting grounds shall also be applicable to any alteration of or addition to such buildings or huts:

¹ Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words, figures and letters were substituted for the words, figures and letters "approved under sections 257-C, 257-D or 257-J", by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

Provided that works of necessary repair which do not affect the position or dimensions of a building or hut or any room therein shall not be deemed to be an alteration or addition for 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 dimensions of a building, hut or room, such question shall be referred to the standing committee whose decision shall be final.]

CHAPTER XI.—NUISANCES.

¹[*Dangerous Structures*], *Trees and Places*.

258. (1) If any ²[structure] be deemed by the commissioner to be in a ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures, the commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such ²[structure] so as to prevent any danger therefrom.

Precautions
in case of
dangerous
structures.

(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 ²[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 387.

(3) If in the commissioner's opinion, the said ²[structure] 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.

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 ³[endanger any person or any structure], the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

Precautions
in case of
dangerous
trees.

(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

¹ These words were substituted for the words "Dangerous Buildings" by section 126 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was substituted for the word "building" by *ibid*.

³ These words were substituted for the words "endanger any person using a public or private street" by section 127, *ibid*.

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 ¹[structure], booth or tent partly or entirely composed of, or having any external roof, veranda, pandal, ²[fence] or wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials to remove or alter such ¹[structure], booth, tent, roof, veranda, pandal, ²[fence] 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, fire-wood, 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 ¹[structure] 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 ¹[structure] to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any ¹[structure], 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

¹ This word was substituted for the word "building" by section 128 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was inserted by *ibid.*

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.

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

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

(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).

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 stop dangerous quarrying.

264. (1) If in the opinion of the commissioner—

(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 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.

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

(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 ¹ [. . .] 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 ² [State 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 such prohibition.

Power to order cleansing of insanitary private water-course, spring, tank, well, etc., used for drinking.

265. ³ [(1) The commissioner may by notice require the owner of or person having control over any private water-course, 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, to cleanse it in such manner as the

¹ The words and figures "under section 391" were omitted by section 129 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This sub-section was substituted for original sub-section (1) by section 130 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

commissioner may direct and to protect it from pollution caused by surface drainage or other matter 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, ¹ [bathing or washing clothes, as the case may be] 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.

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.

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

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, or regulation of washing animals or clothes or fishing in river or estuary.

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.

Prohibition against contaminating water-supply.

Control over abandoned lands, untrimmed hedges, etc.

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

Untenanted buildings or lands.

¹ These words were inserted by section 130 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

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 ¹ [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 cleanse, clear or ² [otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or under-growth] within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Abatement
of nuisance
from dust,
smoke, etc.

³ [270-A. If in the opinion of the commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process, causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.]

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 and 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.

¹ These words were substituted for the words " which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation " by section 131 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words " otherwise put the same in proper state " by section 131 (ii), *ibid.*

³ This section was inserted by section 132, *ibid.*

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 limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Limewashing and cleansing of buildings.

273. (1) Whenever the commissioner considers—

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

Further powers with reference to insanitary buildings.

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

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

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

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building ¹ [in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner].

(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

Buildings unfit for human habitation.

¹ These words were substituted for the words "in proportion to the increased value acquired by their own property" by section 133 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

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

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

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

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

Abatement
of over-
crowding in
dwelling-
house or
dwelling-
place.

275. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the

building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

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

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

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

General.

276. (1) When the commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section 380, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

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

(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.

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.

Limitation of compensation.

CHAPTER XII.—LICENCES AND FEES.

General Provision as to Licences.

Exemption
of Govern-
ment from
taking out
licences.

278. Nothing in this chapter shall be construed as requiring the ¹ [Central Government] or the ² [State Government] to take out a licence in respect of any place in the occupation or under the control of ³ [such Government] or in respect of any property belonging to ⁴ [the Government].

Lodging Houses.

Prohibition
in respect of
lodging
houses.

⁵ [279. (1) No person shall without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale :

⁶ [Provided that no such licence shall be required for a lodging house as defined in the Madras Public Health Act, 1939, if the keeper thereof has been registered under that Act.]

Madras
Act III
of 1939.

Explanation.—“Lodging house” means a hotel, boarding house, choultry or rest-house other than a choultry or rest-house maintained by the Government or a local authority, unlicensed emigration depot or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment but does not include a students’ hostel under public or recognized control.

(2) The commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any by-law made under section 349 relating to such premises whether or not the licensee is prosecuted under this Act.]

¹ These words were substituted for the words “Government of India” by the Adaptation Order of 1937.

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ These words were substituted for the words “the Government” by section 134 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)

⁴ The words “the Crown” were substituted for the words “such Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

⁵ This section was substituted for original section 279 by section 135 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁶ This proviso was inserted by section 2 of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

Keeping of Animals ¹[*and Birds*].

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 ² [or bird] 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.

Prohibition in respect of keeping animals and birds and feeding animals.

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.

Destruction of stray pigs and dogs.

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, ³ [shall apply to the commissioner for a licence not less than forty-five and not more than ninety days before the opening of such place or the commencement of the year for which the licence is sought to be renewed, as the case may be.]

Licences for places in which animals are kept.

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

⁴ [Provided that this section shall not apply to any place licensed as a place of public entertainment or resort under the ⁵ [Madras] Places of Public Resort Act, 1888.]

(3) No person shall, without or otherwise than in conformity with a licence use any place ⁶ [or allow any place to be used] for any such purpose.

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.

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

¹ These words were added by section 136 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by *ibid.*

³ These words were substituted for the words " 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" by section 2 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ This proviso was added by section 137 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ The word " Madras " was inserted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁶ These words were inserted by section 137 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)

(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.

¹ [Landing places, cart-stands, etc.]

Provision of landing places, cart-stands, etc.

¹ [285. (1) The commissioner may construct or provide public landing places, halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914,² and animals.

Central Act VIII of 1914.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in English, Tamil, Telugu and Hindustani in a conspicuous part thereof.

(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time, on such terms and conditions as he may think fit.]

Prohibition of use of public place or sides of public street as cart-stand, etc.

¹ [285-A. Where the commissioner has provided a public landing place, halting place, cart-stand, cattle-shed, or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.]

Recovery of cart-stand fees, etc.

¹ [285-B. (1) If the fee leviable under sub-section (1) of section 285 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the

¹ This heading and sections 285, 285-A, 285-B and 285-C were substituted for original section 285 by section 138 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² See now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

appurtenances or load of such cart, carriage, motor vehicle, or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle, or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorized to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized, or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice 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 in auction at a place to be specified in the notice.

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

(4) If no such tender is made, the property or a sufficient portion thereof 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 commissioner may direct; and

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

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.]

¹ [285-C. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the commissioner a licence to do so. Licence for Private cart-stand.

(2) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought

¹ Sections 285, 285-A, 285-B and 285-C and their heading were substituted for original section 285 by section 138 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [not less than forty-five and not more than ninety days before the opening of such place as a cart-stand or the commencement of the year] for which the licence is sought to be renewed, as the case may be.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his 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 he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The commissioner 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 commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a vernacular language or 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 commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum:

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.]

² [*Carcasses of animals.*]

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

¹ These words were substituted for the words "not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year" by section 3 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² This heading was inserted by section 139 of the Madras City Municipal Amendment) Act, 1936 (Madras Act X of 1936).

(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.

¹[287. (1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein.

Purposes for which places within the limits of the city or within three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.

(2) The commissioner shall, if so required by the council, publish a notification in the ² [Official Gazette] and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(a) unless the sanction of the ³ [State Government] has been obtained therefor; and

(b) until the expiry of thirty days from the date of its publication in the ² [Official Gazette].

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence ⁴ [not less than forty-five and not more than ninety days] before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the ² [Official Gazette], as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber

¹ Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140, of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "not less than thirty days" by section 4 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

(5) The commissioner may grant such licence subject to such restrictions and regulations as may be specified by him therein or he may refuse to grant such licence.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made ¹ [not less than forty-five and not more than ninety days] before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local board competent to issue a notification in respect of such place under sub-section (1) of section 249 of the Madras District Municipalities Act, 1920, or sub-section (1) of section 193 of the Madras Local Boards Act, 1920², as the case may be, such proportion of the fee received by the corporation for the grant or renewal of such licence as the ³ [State Government] may, by general or special order, determine.

Madras
Act V of
1920.

Madras
Act XIV
of 1920.

(9) No notification under sub-section (1) of section 249 of the Madras District Municipalities Act, 1920, or sub-section (1) of section 193 of the Madras Local Boards Act, 1920², shall, notwithstanding anything contained in those Acts, take effect in any area within three miles of the limits of the city except with the previous sanction of the ³ (State Government)].

Madras
Act V
of 1920.
Madras
Act XIV
of 1920.

⁴ [288. (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 electric power, or

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.

¹ These words were substituted for the words "not less than thirty days" by section 4 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920)

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Under section 5-A (1) of the Madras Cinemas Regulation Act, 1955 (Madras Act IX of 1955), the provisions of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct, or reconstruct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

(b) to instal in any premises any machinery or manufacturing plant driven by steam, water, electric or other power¹ [as aforesaid, not being machinery or manufacturing plant exempted by rules,

shall before beginning such construction], establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by—

(a) 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 the² [State Government] ; and

(b) such particulars as to the power, machinery, plant or premises as the council may require by by-laws made in this behalf.

(3) The commissioner 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 he thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause a nuisance.

(4) Before granting permission under sub-section (3) the commissioner—

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the inspector of factories appointed under the Factories Act, 1934³ having jurisdiction in the city or if there is more than one such inspector, of the inspector designated by the² [State Government] in this behalf by general or special order, as 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,

¹ These words were substituted for the words "as aforesaid shall before beginning such construction" by section 3 (i) of the Madras City Municipal (Amendment) Act, 1942 (Madras XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ See now the Factories Act, 1948 (Central Act LXIII of 1948).

(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 ¹ [State Government], and

(b) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connexion with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment or unless fresh permission authorizing such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall obtain the approval of the inspector of factories, referred to in clause (a) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises with reference to the matters specified in that clause.

² [(7) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed, and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 234 and 236 or sections 248 and 249, as the case may be.]

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

³ [289. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created he may issue such

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was substituted for original sub-section (7) by section 3 (ii) of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the first Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

³ Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

directions as he 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 commissioner may—

(a) prohibit the use of the particular kind of fuel; or

(b) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.]

¹ [289-A. Whenever it shall appear to the commissioner that any factory, workshop, work-place or any building or place in which steam, water or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the commissioner is a nuisance or is so overcrowded while work is carried on as to be dangerous or injurious in the opinion of the commissioner to the health of the persons employed therein, or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to take such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other building or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Power of commissioner to require owner of factory, workshop, etc., to put and maintain the factory, workshop, etc., in a cleanly state.

Central Act V of 1923.

Explanation.—Nothing in this section shall be deemed to affect any of the provisions of the Indian Boilers Act, 1923, or to authorize the commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Factories Act, 1934², are applicable.]

Central Act XXV of 1934.

¹ [289-B. Whenever it shall appear to the commissioner that any factory, workshop or work-place or any building or any place in which steam, water or other mechanical or electric power is employed, is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other

Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory, etc..

¹ Sections 287 to 289-D were substituted for the original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² See now the Factories Act, 1948 (Central Act LXIII of 1948).

cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.]

Commissioner may enter any factory, workshop or work-place.

¹ [289-C. (1) The Commissioner 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 night if he has reason to believe that any offence is being committed against section 288, 289, 289-A or 289-B.

(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 the force necessary for the purpose of effecting an entrance under this section.]

Power of State Government to pass orders or give directions to commissioner.

¹ [289-D. The ² (State 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 or omitted to be taken under section 288, 289, 289-A or 289-B.]

¹ [.]

¹ [290. * * * * *]

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 bathing-houses, wash-houses, etc.

292. (1) The commissioner may construct or provide and maintain ³ [public bathing-houses], public wash houses or places for the washing of clothes, and may ⁴ [charge and levy such rents and fees] for the use of any such ² [bathing-house], wash-house or place as the standing committee may determine. ⁵ [Such rents and fees shall be recoverable in the same manner as the property tax.]

¹ Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 141 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ These words were substituted for the words "require the payment of such rents and fees" by section 141 (i) (b), *ibid.*

⁵ This sentence was added by section 141 (i) (c), *ibid.*

(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.

¹ [(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that behalf.]

293. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

Prohibition against washing by washermen at unauthorized places.

(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.

294. (1) The council shall provide a sufficient number of places for use as municipal slaughter-houses and ² [the commissioner may charge and levy such rents and fees for their use as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.]

Provision of municipal slaughter-houses.

(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.

¹ This sub-section was added by section 141 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "the commissioner, with the approval of the standing committee, may charge such rents and fees for their use as he may think fit" by section 142, *ibid.*

(3) Municipal slaughter-houses may be situated within or, with the sanction of the ¹ [State Government], without the city.

Licence for slaughter-houses.

295. ² [(1) The owner of any place within the limits of the city 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 carcasses ³ (shall apply to the commissioner for a licence not less than forty-five and not more than ninety days before the opening of such place as a slaughter-house or the commencement of the year for which the licence is sought to be renewed, as the case may be):

Provided that this sub-section shall not take effect in any area outside the limits of the city except with the previous sanction of the ¹ (State Government).]

(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 ⁴ [except in a municipal or licensed slaughter-house] 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 ceremonies.

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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was substituted for the original sub-section (1) by section 143 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "shall not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the commissioner for a licence" by section 5 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

⁴ These words were inserted by section 144 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

The Milk Trade.

299. (1) No person shall without or otherwise than in conformity with a licence from the commissioner— Regulation of milk trade.

(a) ¹ [carry on or be employed in] the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce ² [within the city];

(b) use any place in the city for the sale of milk or dairy produce :

³ [Provided that no such licence shall be given to any person who is suffering from a dangerous disease :

Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from a dangerous disease.]

(2) Such licence may be refused or may be granted either unconditionally or ⁴ [on such conditions as the commissioner may deem necessary. Such conditions may relate to the construction, ventilation, conservancy, supervision and inspection of the premises whether within or without the limits of the city where the animals from which the milk-supply is derived are kept.]

Markets, Butchers' shops, etc.

300. All markets which are ⁵ [acquired], constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets. Public markets.

301. (1) The council may provide places for use as public markets. Powers of municipal authorities in respect of public markets.

⁶ [(2) The commissioner may in any public market charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit—

(a) fees for the use of, or for the right to expose goods for sale, in such markets ;

¹ These words were substituted for the words "carry on within the city" by section 145 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were added by *ibid.*

³ These provisos were added by section 145 (ii), *ibid.*

⁴ These words were substituted for the words "upon the conditions laid down by the commissioner" by section 145 (iii), *ibid.*

⁵ This word was inserted by section 146, *ibid.*

⁶ These sub-sections were substituted for original sub-section (2) by section 147, *ibid.*

(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) Such fees shall be recoverable in the same manner as the property tax.

(4) The council may, with the sanction of the ¹ (State Government), close any public market or part thereof.]

Commissioner's control over public markets.

² [302. (1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 308 or any by-law made under section 349 or who commits default in payment of the fees leviable under section 301 may after three clear days' notice be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 301 and the expenses, if any, which the corporation may incur in such removal.]

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.

³ [(2) (a) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner 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).

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was substituted for original section 302 by section 148 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This sub-section was substituted for original sub-section (2) by section 149, *ibid.*

(b) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought¹ (not less than forty-five and not more than ninety days, before such place is opened as a market.]

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 made² [1(not less than forty-five and not more than ninety days) before the commencement of the year for which licence is sought].

Licensing of
private
markets.

(2) The commissioner may by an order,³ [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 markets] 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 in⁴ [two regional 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.

⁵ [304-A. Every licence granted under section 303 or section 304 shall expire at the end of the year for which it is granted.]

Period of
licence.

¹ These words were substituted for the words "not less than thirty days" by section 6 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948.)

² These words were substituted for the words "in the first month of every year" by section 150 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "subject to such restrictions and regulations" by section 150 (ii), *ibid.*

⁴ These words were substituted for the words "two vernacular languages," by section 3 of, and the second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁵ Section 304-A was inserted by section 151 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Licence fee for private markets.

¹ [304-B. When a licence granted under section 304 permits the levy of any fee or fees, of the nature specified in sub-section (2) of section 301, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.]

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 ² [of such description and in such position and number as the commissioner 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 commissioner secure imperviousness and ready cleansing;

(c) ventilate ³ [and light] it properly and provide it with a supply of water;

(d) provide passages of sufficient width between the stalls ⁴ [and make such alterations in the stalls, passages, shops, doors or other parts of the market as the commissioner may direct]; and

(e) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

307. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 306 the commissioner may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of commissioner to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals.

308. The commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act, or of any by-law made under section 349,

¹ Section 304-B was inserted by section 151 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 152 (i), *ibid.*

³ These words were inserted by section 152 (ii), *ibid.*

⁴ These words were inserted by section 152 (iii), *ibid.*

(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 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.

¹ [308-A. (1) The 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.

Acquisition of rights of private persons to hold private markets.

Central Act I of 1894.

(2) On payment by the 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 such market and to levy fees therein shall vest in the council.

¹ 308-B. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same handles, any articles exposed for sale therein ; and he may expel therefrom any person who is creating a disturbance therein.]

Duty of expelling lepers, etc., from markets and power to expel disturbers.

309. ² [(1)] 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

Butcher's, fishmonger's, and poulterer's licence.

¹ Sections 308-A and 308-B were inserted by section 153 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Original section 309 was renumbered as section 309 (1) by section 154 (1), *ibid.*

for the sale of ¹ [flesh, fish or poultry intended for human food—

(a) in any place within the limits of the city, or

(b) in any place within three miles of such limits and not included in any municipality constituted under the Madras District Municipalities Act, 1920:]

Madras
Act V
of 1920.

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:

² [Provided further that no licence shall be required for any place included in a public market as defined in section 167 of the ³ Madras Local Boards Act, 1920]

Madras
Act XIV
1920.

⁴ [(2) The commissioner 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 for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.]

Power to prohibit or regulate sale of animals, birds or 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 ⁵ [animal, bird or article] in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

⁶ [310-A. 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 commissioner shall make a reference to the ⁷ [State Government] and the decision of the ⁷ [State Government] on the question shall be final.]

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

¹ This was substituted for the words "flesh or fish intended for human food" by section 154 (1) (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This proviso was added by section 154 (1) (ii), *ibid.*

³ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

⁴ These sub-sections were added by section 154 (2) of Madras Act X of 1936, *ibid.*

⁵ These words were substituted for the word "articles" by section 155, *ibid.*

⁶ This section was inserted by section 156, *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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.

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.

Powers of commissioner for purposes of inspection.

(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.

313. No person shall in any manner whatsoever obstruct the commissioner or person duly authorized by him in the exercise of his powers under last preceding section.

Preventing inspection by commissioner.

¹ [314. If it appears to the commissioner or a person duly authorized by him—

(a) that any animal, poultry or fish intended for food is diseased, or

(b) that any article of food is noxious, or

(c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

Power of commissioner to seize diseased animal, noxious food, etc.

¹ This section was substituted for original section 314 by section 157 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.]

Removing or interfering with articles seized.

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 ¹ [or any utensil or vessel] is seized under section 314, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, ² [. . .] 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, animal, 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,

Central Act XLV of 1860.

(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.

¹ These words were inserted by section 158 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "in such manner as to prevent its being used for human food or exposed for sale" were omitted by section 158 (ii), *ibid.*

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. Licensing of places for disposal of dead.

(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.

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 ¹ [with the sanction of the ² (State Government)] without the limits of the city, and may ³ [charge and levy rents and fees] for the use thereof. Provision of burial and burning grounds and crematoria within or without the city by the corporation.

(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.

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. Register of registered, licensed and provided places and prohibition of use of other places.

(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.

¹ These words were inserted by section 159 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "charge rents and fees" by section 159 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(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 ¹ [State Government], 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—

² [(a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the council or by the ¹ (State Government) 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,

he may, with the consent of the council and the previous sanction of the ¹ [State 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 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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This clause was substituted for original clause (a) by section 160 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [325. No person shall—

Prohibitions
in respect of
corpses.

(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 commissioner or an order in writing of a magistrate, reopen 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

(e) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing 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 city 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.]

² [325-A. The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the commissioner.]

Fencing,
etc., of
private
burial
ground.

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.

Grave-
digger's
licence.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital Statistics.

327. (1) The corporation shall register all births and deaths occurring in the city.

Compulsory
registration
of vital
statistics. •

¹ This section was substituted for original section 325 by section 161 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was inserted by section 162, *ibid.*

(2) ¹ [Information of births and deaths shall be given and their registration] shall be made and enforced in the prescribed manner.

² [328. * * * * * .]

Dangerous Diseases.

Power to notify "dangerous disease."

329. The ³ [State Government] 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 ⁴ [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 reported or suspected to exist, ⁵ [and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures] as he may think fit to prevent the spread of such disease.

¹ These words were substituted for the words "Such registration" by section 163 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was omitted by section 164, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were inserted by section 165 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were substituted for the words "and take such measures" by section 165 (ii), *ibid.*

Prevention of Infection.

332. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Provision of conveyances for carriage of patients.

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,

Power to order removal of patients to hospital.

or if, in the case of any other person, it appears to the health officer or assistant health officer ¹ [whether on a certificate signed by a medical practitioner registered under the Madras Medical Registration Act, 1914, or otherwise] that such person is suffering from a dangerous disease, and

Madras Act IV of 1914.

(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.

Central Act XLV of 1860.

¹ These words and figures were inserted by section 166 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Disinfection
of buildings
and articles.

334. (1) If the commissioner ¹ [or health officer] 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 ¹ [or health officer] 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 ¹ [or health officer] 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 ¹ [or health officer] shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner ¹ [or health officer], 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.

336. (1) The commissioner may—

Provision of
places for
disinfection
and power
to destroy
infected
articles.

(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 ² [from any dangerous disease], and

¹ These words were inserted by section 167 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 168 (i), *ibid.*

(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 ¹ [shall from time to time notify places] at which conveyances, clothing, bedding or other articles which have been exposed to infection ² [from any dangerous disease] shall be washed ³ [and disinfected] and no person shall wash ³ [or disinfect] any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding or other articles likely to retain infection ² [from any dangerous disease] to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

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 :

Prohibition against transfer of infected articles.

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.

⁴ **[337-A.** If any person knows or has been certified by the health officer, a medical officer in the service of the ⁵ [Government] or of the corporation or a medical practitioner registered under the Madras Medical Registration Act, 1914, 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 infected person carrying on occupation.

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.

Prohibition against diseased person entering public conveyance.

(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.

¹ These words were substituted for the words "may notify places" by section 168 (ii), of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 168 (i), *ibid.*

³ These words were inserted by section 168 (iii), *ibid.*

⁴ This section was inserted by section 169, *ibid.*

⁵ The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(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.

343. (1) ¹ [No person who is suffering from an infectious disease shall take any book] or use or cause any book to be taken for his use from or in any public or circulating library. Provision as to library books.

(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 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.

² [343-A. If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the commissioner may by public notice prohibit the removal or use of such water for drinking and domestic purposes during a specified period.] Power of commissioner to prohibit use of water likely to spread infection.

Smallpox.

³ [344. *Compulsory Vaccination.*—The Corporation shall enforce vaccination throughout the City, and it may enforce revaccination throughout the City or in any part thereof, in respect of such persons, to such extent, and in such manner, as may be prescribed.] Compulsory vaccination.

¹ These words were substituted for the words "If any person knows that he is suffering from any infectious disease he shall not take any book" by section 170 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This section was inserted by section 171, *ibid.*

³ This section was substituted by section 2 of the Madras City Municipal (Amendment) Act, 1955 (Madras Act IV of 1955). This was brought into force on the 1st January 1956. The original section was substituted by section 172 of Madras Act X of 1936.

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 State Government to make rules.

347. (1) The ¹[State Government] 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;

²[(b) regulate or prohibit the moving of any resolution or the making of any motion on, or the discussion of, any matter unconnected with the municipal administration;

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the ratepayers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These clauses were substituted for original clauses (b), (c) and (d) by section 173 (j) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent;

(e) regulate the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act;

(f) prescribe 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

(g) prescribe the form of warrant under rule 21 of Schedule IV and the form of notice of sale under rule 24 of the same schedule.]

(3) The ¹ [State Government] may make rules altering, adding to, or cancelling ² [any of the Schedules to this Act except Schedules I, VII and VIII].

(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).

³ [(5) A draft of the rules proposed to be made under sub-section (3) shall be laid ⁴ [before both ⁵ (Houses) of the ⁶(State) Legislature] and the rules shall not be made unless ⁷ [both ⁵ (Houses) approve] the draft either without modification or addition or with modifications or additions ⁸ [to which both ⁵ (Houses) agree]; but upon such approval being given the rules may be made in the form in which they have

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words and figures were substituted for the words and figures "any part of Schedule III, or Schedule VI or Parts II to IV of Schedule V" by section 173 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ Original sub-section (5) was re-numbered as sub-section (6) and new sub-section (5) was inserted by section 173 (iii), *ibid.*

⁴ These words were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937.

⁵ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "the Legislative Council approves" by the Adaptation Order of 1937.

⁸ These words were inserted by *ibid.*

been approved and such rules on being so made shall be notified in the ¹[Official Gazette] and shall thereafter be of full force and effect.]

² [(6)] In making any rule the ³[State Government] 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 ¹[Official 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 ³[State Government] may appoint.

(c) All rules made under section 347 shall be published in the ¹[Official Gazette] and upon such publication shall have effect as if enacted in this Act.

By-laws.

Power of council to make by-laws.

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

⁴ [(1) for all matters expressly required or allowed by this Act to be provided for by by-law ;]

⁴ [(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 ⁵ [and duties] under this Act ;

⁶ [(2-A) for determining the conditions under which lands shall be deemed to be appurtenant to building ;]

(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 ;

¹ These words were substituted for the words “ *Fort St. George Gazette* ” by the Adaptation Order of 1937.

² Original sub-section (5) was re-numbered as sub-section (6) and new sub-section (5) was inserted by section 173 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ The words “ Provincial Government ” were substituted for the words “ Local Government ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

⁴ Original clause (1) was renumbered as clause (1-A) and new clause (1) was inserted by section 174 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ 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).

⁶ This clause was inserted by section 174 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(c) for the maintenance and protection of the water-supply system, and the protection of water-supply from contamination;

(d) for the ¹[terms and conditions] on which house connexions with the corporation's water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(e) for supply of water for domestic consumption and use;

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters;

(i) for the supply of water in case of fire;

(4) for the maintenance and protection of the lighting system;

(5) (a) for the maintenance and protection of the drainage system;

(b) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of closed cess-pools and drains;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

² [(b) * * * * *].
² [(c) * * * * *].

¹ These words were substituted for the word "conditions" by section 174 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Sub-clauses (b) and (c) were omitted by section 5 (i) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

¹ [(b)] 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 ² [but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic];

(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 ³ [and licensing] 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 ⁴ [or any place where any food or drink is exposed for sale];

(12) for regulating the mode of constructing stables, cattle-sheds and cowhouses and connecting them with municipal drains;

⁴ [(12-A) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;]

(13) for the sanitary control and supervision of ⁵ [factories and] places used for any of the purposes specified in Schedule VI and of any trade or manufacture carried on therein;

(14) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation;

¹ Sub-clause (d) was relettered as sub-clause (b) by section 5 (i) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

² These words were added by section 5 (ii), *ibid.*

³ These words were inserted by section 174 (iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ This clause was inserted by section 174 (v), *ibid.*

⁵ These words were inserted by section 174 (vi), *ibid.*

(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 ¹ [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 ; ² [and

(c) for licensing and controlling brokers, commission agents and 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 corporation ;

(c) for the verification of deaths and the causes of death ;

(d) for the period for which corpses must be kept for inspection ;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places ;

(23) for the registration of births, deaths and marriages ;

¹ These words were inserted by section 174 (vii), of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word and sub-clause (c) were inserted by section 174 (viii), *ibid.*

¹ [(24) for the training and licensing of dhais and mid-wives;]

(25) for the prevention of dangerous diseases of men or animals;

(26) for the enforcement of compulsory vaccination ²[or revaccination];

(27) for the prevention of outbreaks of fire;

(28) for the prohibition and regulation of advertisements ³[. . . .];

(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 ⁴ [subject to the provisions of clause (1) of article 20 of the Constitution], 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 State Government.

352. No by-law made by the council under this Act shall have any validity unless and until it is sanctioned by the ⁵ [State Government].

¹ This clause was substituted for original clause (24) by section 174 (ix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 174 (x), *ibid.*

³ The words "in public streets or parks" were omitted by section 174 (xi), *ibid.*

⁴ These words and figures were inserted by the Adaptation (Amendment) Order of 1950.

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

353. The power to make by-laws under this Act is subject to the conditions—

Conditions precedent to making of by-laws.

(a) that a ¹ [draft of the proposed by-law] is published in the ² [Official 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 ³ [in the ² (Official Gazette)] 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.

⁴ [Rules in lieu of by-laws.]

⁴ [353-A. (1) If, in respect of any of the matters specified in section 349, the council has failed to make any by-laws or if the by-laws made by it are not, in the opinion of the ⁵ (State Government) adequate, the ⁵ (State Government) may make rules providing for such matter to such extent as they may think fit.

Power of State Government to make rules in lieu of by-laws.

(2) Rules made under this section, may add to, alter, or cancel any by-laws made by the council.

(3) If any provision of a by-law made by the council is repugnant to any provision of a rule made under this section, the rule shall prevail and the by-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 350, 351 and 353, of the second sentence of sub-section (1) of section 354, and of section 356 shall apply to the rules made under this section as they apply to the by-laws made under section 349, with the substitution of the words, ⁵ “[State Government]” for the word

¹ These words were substituted for the words “draft of the by-law” by section 175 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.

³ These words were inserted by section 175 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ This heading and section 353-A were inserted by section 176, *ibid.*

⁵ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

' council ' in section 351 and clause (b) of section 353 and of the words ¹ ' (State Government) ' for the word ' oommissioner ' in clause (d) of section 353.

(5) Before making any rules under this section, the ¹ (State Government) shall give the council an opportunity of showing cause against the making thereof.]

Publication of Rules, By-laws and Regulations.

Publication
of by-laws
or rules.

354. ² [(1) When any rule or by-law has been made, under this Act, such rule or by-law shall be published in the ³ (Official Gazette) in English and in the Tamil, Telugu and Hindustani languages. A by-law shall come into operation three months after it has been published as aforesaid.]

(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 regula-
tions.

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

¹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

² This sub-section was substituted for the original sub-section (1) by section 177 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.

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.

357. (1) Whoever—

(a) contravenes any provision of any of the sections or rules of this Act specified in the first column of Schedule VII; or

(b) contravenes any rule or order made under any of the said sections or rules ; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections, or rules ;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule VIII ; or

(b) contravening any rule or order made under any of the said sections or rules ; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished , for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second column 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,

General provisions regarding penalties specified in the schedules.

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 or as alderman when not entitled, etc.

¹ [358. (1) If a councillor or an alderman votes in contravention of section 34, or if any person acts as a councillor or an alderman knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction be punished with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as Mayor or Deputy Mayor when not entitled, etc.

(2) If any person acts as or exercises the functions of the Mayor or Deputy Mayor 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 function, he shall on conviction be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for failure to hand over documents, etc., by Mayor or Deputy Mayor.

(3) If the Mayor or Deputy Mayor fails to hand over any documents of, or any money or other properties vested in, or belonging to, the corporation, 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 Mayor or Deputy Mayor expires and in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy Mayor 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.

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.

Central Acts XLV of 1860.

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.

¹ This section was substituted for original section 358 by section 178 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(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.

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 wilfully preventing distraint.

362. If the construction or re-construction of any building or well— Penalty for unlawful building.

(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.

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. Notice to scavengers before discharge.

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 ¹ [State 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 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.

Central Act XLV of 1860.

Penalty for not giving information or giving false information.

²[**364-A.** 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 negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.]

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.

³ [(2) (a) Save as otherwise expressly provided in or may be prescribed under this Act for every such licence or

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was inserted by section 179 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This sub-section was substituted for original sub-section (2) by section 180 (i), *ibid.*

permission fees shall be paid in advance on such units and at such rates as may be fixed by the council:

Provided that the commissioner may at his discretion consider any application for the grant or renewal of any licence or permission though the fee payable therefor has not been paid in advance :

Provided further that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule VI if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(b) The council may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum to be paid in lieu of the fees payable in respect of such mill or factory.

(c) Every order of the commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.]

(3) Every ¹ [order of the commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and] shall state the grounds on which it proceeds.

(4) Subject to the special ² [provisions in chapters X, X-A and XII regarding buildings, cheris, and hutting grounds and private markets] and subject to such sanction as may be required for the refusal of a licence or permission, ³ [. . . .] 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

¹ These words were substituted for the words " order of the commissioner refusing to grant a licence or permission " by section 180 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This expression was substituted for the words and figures "provisions regarding building in chapter X and private markets in chapter XII" by section 180 (iii), *ibid.*

³ The words " and to such appeal as may be provided in case of refusal " were omitted by *ibid.*

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 ¹ [or prohibition] is being contravened and no claim shall lie against any person for any damage or inconvenience ² [necessarily] caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by 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 ³ [. . .] order suspending or revoking the licence or permission is cancelled ⁴ [. . .] 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 ⁵ [or to make a registration] required by the provisions of this Act, or by any rule or by-law made under this Act, the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration ⁶ [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.]

(9) Such recovery of the fee under sub-section (8) shall not ⁷ [by itself] entitle the person convicted to a licence or permission or to registration as aforesaid.

¹ These words were inserted by section 180 (iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was inserted by *ibid.*

³ The word "commissioner's" was omitted by section 180 (v), *ibid.*

⁴ The words "by him" were omitted by *ibid.*

⁵ These words were substituted for the words "or registration" by section 180 (vi), *ibid.*

⁶ These words were inserted by *ibid.*

⁷ These words were inserted by section 180 (vii), *ibid.*

¹ [(9-A) Save as otherwise expressly provided in, or may be prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than forty-five and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application.]

(10) The acceptance by the corporation of the prepayment of the fee for a licence or permission or for registration shall not entitle the person making such prepayment 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.

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 ²[section] ³[129-E], 178, 186, 187, 188, 190, 244, 256 (3), 258 (1), 259 (1), 264 (1), 265, 266, 273, 282, 283, 284, ²[288 or] 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 ²[or] 250;

Appeals
from
Commissioner to
standing
Committee.

¹ The sub-section was inserted by section 7 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacted and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² The words "section" and "or" were respectively substituted for the words "sections" and "and" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

³ This expression was inserted by section 181 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(c) any refusal by the commissioner to grant a permission under ¹[section] ²[129-B], 181, 262, or ³[288(3)], ⁴[]

(d) any refusal by the commissioner to grant a licence under ¹[section] 282, 287, ⁵[. . . .], 295, 299 or 304 (2); ⁴[]

(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.

⁶[(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the commissioner or any order passed by him, he may, within one month of the date of such decision, refer the matter to the council, and pending the decision of the council on such reference, the commissioner shall not be bound to give effect to the decision of the standing committee.

The decision of the standing committee or where the matter has been referred to the council as aforesaid, the decision of the council shall be final.]

Limitation
of time for
appeal.

⁷[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 shall, subject to the provisions of section 5 of the Indian Limitation Act, 1908, be presented—

Central
Act IX of
1908.

(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 corporation, 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.]

⁸[Power to summon.]

Power of
person
conducting
election and
other
inquiries.

⁸[367-A. All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within

¹ The word "section" was substituted for the word "sections" in clauses (c) and (d) of section 366 (1) by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

² This expression was inserted by section 181 (i) (b) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These figures and brackets were substituted for the figures and brackets "288 (2)" by *ibid.*

⁴ The word "or" was omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

⁵ The figures "290" were omitted by section 181 (i) (c), of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁶ This sub-section was substituted for original sub-section (2) by section 181 (ii), *ibid.*

⁷ This section was substituted for original section 367 by section 182, *ibid.*

⁸ This heading and section were inserted by section 183, *ibid.*

Madras
Act III of
1869.

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.]

¹ [.]

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.

Summon
to attend
and give
evidence
or produce
documents.

Procedure.

369. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Form of
notices and
permissions.

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—

Proof of
consent of
municipal
authorities
or municipal
officer.

(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.

371. (1) Every licence, permission, notice, bill, schedule, summons, ² [warrant] or other document which is required by this Act or by any rule, by-law or regulation made under it to bear the signature of the commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

Signature
on docu-
ments.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to ³ [any deed of contract].

¹ The heading to section 368, viz., "Commissioner's power to summon" was omitted by section 183 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was inserted by section 184 (i), *ibid.*

³ These words were substituted for the words "any contract" by section 184 (ii), *ibid.*

Publication of notifications.

¹ [371-A. Save as otherwise provided, every notification under this Act shall be published in the ² [Official Gazette], in English, Tamil, Telugu and Hindustani.]

Publication of order, notice or other document.

³ [372. Every order, notice or other document directed to be published under this Act or any rule, by-law or regulation made under it, shall, unless a different method is prescribed by this Act or by the council or the standing committee, as the case may be, be translated into Tamil, Telugu and Hindustani and deposited in the office of the corporation and copies thereof in English and in the said vernaculars shall be posted in a conspicuous position at such office and at such other places as the council or standing committee, as the case may be, may direct ; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so posted and that the originals are open to inspection at the office of the corporation.]

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.

Notice of prohibition or setting apart of places.

⁴ [373-A. Whenever the council, a standing committee or the commissioner shall have set apart any place for any purpose authorized by this Act or shall have prohibited the doing of anything in any place, the commissioner shall forthwith cause to be put up a notice in English and in Tamil, Telugu and Hindustani 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.]

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

¹ This section was inserted by section 185 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

³ This section was substituted for original section 372 by section 186 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ This section was inserted by section 187, *ibid.*

(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 ¹ [to his agent, clerk or servant or some adult member] 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.

² [(3) Whenever in any bill, notice, 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 of an express provision to the contrary in this Act, be calculated from the date of such service or sending by post registered.]

Relation of Occupier to Owner.

375. ³ [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 it from the rent then or thereafter due by him to the owner. .

Recovery
by occupier
of sum
leviable
from owner.

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.

Obstruction
of owner by
occupier.

(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, ⁴ [in executing such works.]

¹ These words were substituted for the words "to some adult member or servant" by section 188 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-section was added by section 188 (ii), *ibid.*

³ These words were substituted for the words, "If any rent, tax or sum leviable under this Act from the owner is recovered from the occupier" by section 189, *ibid.*

⁴ These words were added by section 190, *ibid.*

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 ¹ [and inspection].

Power of entry to inspect, survey or execute the work.

378. The commissioner ² [or any person authorised 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 ³ [lawfully] placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute :

Provided that—

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided no dwelling house, and ⁴ [no part of a 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.

¹ These words were inserted by section 191 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 192 (i), *ibid.*

³ This word was inserted by section 192 (ii), *ibid.*

⁴ These words were substituted for the words "no public building or hut" by section 192 (iii), *ibid.*

379. (1) The commissioner ¹ [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 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.

Power of entry on lands adjacent to works.

(2) The commissioner ² [or such authorized person] 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 ² [or such authorized person] 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. ³ [The commissioner 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.

⁴ [Power to enforce licensing provisions.]

379-A. (1) If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the council, standing committee or commissioner or registration in the office of the corporation 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—

Consequences of failure to obtain licences, etc., or of breach of the same.

(a) the commissioner 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;

¹ These words were inserted by section 193 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 193 (ii), *ibid.*

³ These words were substituted for the words "and shall pay compensation" by section 193 (iii), *ibid.*

⁴ This heading and section were inserted by section 194, *ibid.*

(b) the commissioner or any officer duly authorized by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(c) 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.

(2) No claim shall lie against the commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.]

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.

¹ [(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.]

Recovery of expenses from persons liable and limitation on liability of occupier.

381. ² [(1) The commissioner may recover any reasonable expenses incurred under section 380 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the property tax and may, in executing work or taking measures under section 380, 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.]

¹ This sub-section was added by section 195 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These sub-sections were substituted for original sub-sections (1), (2), (3) and (4) by section 196, *ibid.*

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the commissioner may (whether any action or other proceedings 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 corporation 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 commissioner 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 commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.]

¹ [(4) 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.]

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 of commissioner to agree to receive payment of expenses in instalments.

383. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned

Power to declare expenses on certain work to be improvement expenses.

² [(a) in section 168, section 169, section 177, section 178, section 179, section 186, clause (b) of sub-section (1) of section 209, section 218, sub-sections (1) and (2) of section 264, section 269, section 273, section 306, or section 380 ; or]

(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.

¹ Sub-section (5) was renumbered as sub-section (4) by section 196 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This clause was substituted for original clause (a) by section 197, *ibid.*

Improve-
ment
expenses by
whom pay-
able.

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
improve-
ment
expenses.

385. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

Relief to
agents and
trustees.

386. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it for the discharge of which money is required he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the commissioner may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner, as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Corporation.

Recovery of
sums due as
taxes.

¹ [387. All costs, damages, penalties, compensations, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, by-law or regulation made thereunder or any other law or under any contract including

¹ This section was substituted for original section 387 by section 198 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

a contract in respect of water-supply or drainage made in accordance with this Act, and the rules, by-laws and regulations ¹ [are due by any person to the Corporation] shall, if there is no special provision in this Act for their recovery, be demanded by bill containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided by rules 21 and 28 of the rules contained in Part VI of Schedule IV unless within fifteen days from the date of service of the bill such person shall have applied to the Chief Judge of the Small Cause Court under section 388.]

² [388. Where in any case not provided for in section 395, any municipal authority or any person is required by or under this Act or any rule, by-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums referred to in section 387 the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise ³ [provided in section 171, 335, 379 or 413] or 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 six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums first became payable.]

Determination by Small Cause Court of sums payable.

Central Act I of 1894.

389. (1) On any application under the provisions of section 388 the said chief judge shall summon the other party to appear before him.

Proceedings before Small Cause Court.

(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.

⁴ [390. If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums 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.]

Recovery of sums payable by distress.

¹ These words were inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

² This section was substituted for original section 388 by section 199 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words and figures were substituted for the words and figures "provided in sections 171, 335, 379 or 413 by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955)."

⁴ This section was substituted for original section 390 by section 200 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Limitation
for recovery
of dues.

¹ [390-A. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation 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.

² [390-B. 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 corporation and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within one year from the date of the sale be paid to him by the commissioner, 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.]

Provisions regarding Municipal Prosecutions.

³ [391. * * * * *]

Period of
limitation
for making
complaints.

392. ⁴[. . .] 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 ⁵ [within six months from the commission of the offence, by the police or the commissioner or by a person authorized in this behalf by the council of the standing committee or the commissioner :]

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall for the purposes of ⁶ [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.

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

¹ Section 390-A was inserted by section 201 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Section 390-B was inserted by *ibid*.

³ This section was omitted by section 202, *ibid*.

⁴ The figure and brackets “ (1) ” were omitted by section 203 (i), *ibid*.

⁵ These words were substituted for the words “before a magistrate within six months after the commission of the offence” by section 203 (ii), *ibid*.

⁶ These words were substituted for the word, figure and brackets “sub-section (1)” by section 203 (iii), *ibid*.

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 ¹ [. . .].

394. (1) In case any fine, costs, ²[tax] or other sum of money ³ [imposed, assessed or recoverable] 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.

Imprisonment in default of payment and application of costs, etc.

⁴ [(2) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, by-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1898, and the same shall ⁵ [except in the case of a fine] on recovery be paid to the corporation to be applied for the purposes of this Act.]

Central Act V of 1898.

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.

Payment of compensation for damage to municipal property.

Legal Proceedings in General.

396. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, ⁶ [. . .] or other amount due under this Act.

Recovery of tax, etc., by suit.

¹ The words "to the credit of which any fine imposed by him will be payable" were omitted by the Adaptation Order of 1937.

² This word was inserted by section 204 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words "imposed or assessed" by *ibid.*

⁴ This sub-section was substituted for original sub-section (2) by section 204 (ii), *ibid.*

⁵ These words were inserted by the Adaptation Order of 1937.

⁶ The word "toll" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Institution
of suits
against
municipal
authorities,
officers and
agents.

397. (1) No suit for damages or compensation shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under subsection (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the commissioner, a municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions
respecting
institution,
etc., of civil
and criminal
actions and
obtaining
legal advice.

398. ¹ [The Commissioner may]

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act, the rules, by-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

¹ These words were substituted for the words "Subject to the provisions of section 69, the commissioner may" by section 205 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(b) compound any offence against this Act, the rules, by-laws or regulations which may by rules made by the ¹ [State Government], 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 ;

(i) 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 ;

(j) 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.

399. No suit shall be maintainable against ² [the ¹ (State Government) or] any municipal authority, officer, or servant

Indemnity
to State
Government,
municipal
authorities,
officers and
agents.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 206 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

or any person acting under the direction of ¹[the ²(State Government) or] 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, councillors and aldermen for loss, waste or misapplication.

400. (1) The commissioner and every councillor ³[or alderman] 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 ²[State Government] or by ⁴[the State Government].

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of Mayor, Deputy Mayor, etc.

⁵[**400-A.** When the Mayor or Deputy Mayor, or any councillor or alderman, or the commissioner 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 magistrate shall take cognizance of such offence except with the previous sanction of the ²(State Government).]

Assessments, etc., not to be impeached.

⁶[**401.** (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, in substance and effect, been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to

¹ These words were inserted by section 206 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words, "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 207 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ The words "the Provincial Government" were substituted for the words "the Secretary of State in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This section was inserted by section 208 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁶ This section was substituted for the original section 401 by section 209, *ibid.*

recover damages on account of any assessment, or collection of money made under the said authority :

Provided that the provisions of this Act have, in substance and effect, been 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.

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.

¹ Clause (c) was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Exercise of powers of police officer by municipal servants.

¹ [404. The ² (State Government) may empower any municipal officer or servant or any class of municipal officers or servants to exercise the powers of a police officer—

(a) for the purposes of this Act, or

(b) in respect of offences falling under section 53 or section 73 of the Madras City Police Act, 1888.]

Madras Act III of 1888.

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 tax³, [. . .]

⁴ [fee or other sum due to the corporation] and every person employed by any such contractor or agent for the collection of such tax, ³[. . .] ⁴[fee or sum], shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act XLV of 1860.

Prohibition against obstruction of council, standing committee, Mayor, etc.

406. No person shall obstruct or molest ⁵ [the council, any standing committee, the Mayor or Deputy Mayor, any councillor or alderman, the commissioner, or any person employed by the corporation or] any person with whom the commissioner has entered into a contract on behalf of the corporation in the performance of ⁶ [their duty] or of anything which ⁷ [they are 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 ⁸ [council, a standing committee or the commissioner].

¹ This section was substituted for the original section by section 210 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The word "toll" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ These words were substituted for the words "or fee" by section 211 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were inserted by section 212 (i), *ibid.*

⁶ These words were substituted for the words "his duty" by section 212 (ii), *ibid.*

⁷ These words were substituted for the words "he is empowered" by *ibid.*

⁸ These words were substituted for the word "corporation" by section 213, *ibid.*

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.

Prohibition against unauthorized dealings with public place or materials.

Transitional and Transitory Provisions.

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.

Passing of property and rights to corporation as reconstituted.

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.

Procedure for recovery of arrears of taxes, etc.

412. This Act shall come into force on such date as the ¹[State Government] may by notification direct.

Commencement of Act.

² [* * * * *]

³ [413. (1) When a dispute exists between the corporation 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 ¹(State Government) are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the ¹(State Government) may take cognizance of the dispute, and

Adjudication of disputes between local authorities.

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or board of arbitrators, or to a joint committee constituted under section 27-A for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the ¹(State Government) who shall decide the dispute in such manner as they deem fit.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The proviso to section 412 was omitted by section 214 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ Sections 413 and 414 were inserted by section 215, *ibid.*

¹ [(3) Any decision given, whether before or after this sub-section comes into force, under clause (a) of sub-section (1) or under sub-section (2) ² (may, at the instance of the local authorities concerned, be modified) from time to time by the ³ (State) Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, ⁴ (may at the instance of such local authorities, be cancelled) at any time by the ³ (State) Government.

Any such decision or any modification therein or cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of Law.]

⁵ [(4) The powers of the ³ (State) Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.)]

Transitional Provision.

Power of State Government to fix dates for the termination of office of Mayor, councillors and members of standing committees holding office.

⁶ [414. Notwithstanding anything contained in this Act—

(a) (i) the term of office of the Mayor, councillors and members of standing committees holding office on the date of the commencement of the Madras City Municipal (Amendment) Act, 1936, shall subject to the provisions of sub-section (2) of section 51, and sections 53, 53-A, 54 and 71, extend to or expire on (as the case may be) such date as the ⁷ (State Government) may fix and the ⁷ (State Government) shall cause elections and appointments of councillors to be held so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the old councillors ;

Madras Act X of 1860.

¹ This sub-section was substituted for sub-section (3) by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act VIII of 1941), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

² These words were substituted for the words "may be modified" by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "may be cancelled" by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

⁵ This sub-section was inserted by the Adaptation Order of 1937.

⁶ Sections 413 and 414 were inserted by section 215 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(ii) the ¹(State Government) may from time to time postpone any date fixed by them under sub-clause (i) and fix another date in lieu thereof; and

(iii) any date fixed under sub-clause (i) or (ii) shall not be later than the first day of November 1936;

(b) a meeting of the persons newly elected or appointed as councillors shall be held before the date fixed for the retirement of the old councillors under sub-clause (i) of clause (a) or any date to which it may be postponed under sub-clause (ii) of clause (a), on a day and at a time fixed by the commissioner with the approval of the ¹(State Government) for the election of the five aldermen referred to in clause (b) of sub-section (1) of section 5 and the aldermen so elected shall come into office on the date so fixed or postponed to;

(c) the council shall, at its first meeting after the date so fixed or postponed to—

(i) elect one of its number to be the Mayor and one of its number other than the Mayor so elected to be the Deputy Mayor;

(ii) elect the members of the standing committees referred to in section 6; and

(iii) ascertain by lot (or if the ¹(State Government) so direct, otherwise than by lot), the fifteen divisional seats to be vacated at noon on the first day of November 1937, the fifteen divisional seats to be vacated at noon on the first day of November 1938, and the fifteen divisional seats to be vacated at noon on the first day of November 1939;

(d) (i) the councillors elected for the divisional seats ascertained under sub-clause (iii) of clause (c) or the councillors elected in their places in casual vacancies shall vacate office at noon on the first day of November of the year 1937, 1938 or 1939, as the case may be; and

(ii) the remaining councillors, and the aldermen or the councillors or aldermen elected in their places in casual vacancies shall vacate office at noon on the first day of November 1939; and

(e) each standing committee shall at its first meeting after the date fixed under clause (a) elect one of its members (other than the Mayor) to be its Chairman.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

SCHEDULE I.

ENACTMENTS REPEALED.

(See Section 2.)

Year.	Number.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
		<i>Acts of the Governor of Fort St. George in Council.</i>	
1904 ...	III	The Madras City Municipal Act, 1904.	The whole.
1905 ...	II	The Madras Port Trust Act, 1905 ...	Section 34.
1907 ...	IV	The Madras City Municipal Act (Amendment Act), 1907.	The whole.
1911 ...	II	The Madras City Municipal Act (Amendment Act), 1911.	Do.

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE COUNCIL AND COMMITTEES.

(See Section 310)

THE COUNCIL.

¹[1. In these rules, ' member ' means both a councillor and an alderman.

2. The council shall meet in the municipal office for the transaction of business at least once in every month upon such day and at such hour as it may arrange and also at other times as often as a meeting may be convened by the Mayor.

3. (1) No meeting shall be held unless at least six clear days before the day of the meeting—

(a) notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members, and

(b) notice of the day and hour of the meeting has been given by advertisement in the local newspapers.

(2) In cases of urgency, the Mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases, notice of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.]

¹ Rules 1 to 3 were substituted for original rules 1 and 2 by section 216 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹[4.] At ²[an ordinary meeting held in each of the months] of April, June, August, October, December and February, the ³[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.

¹[5.] ⁴[(1) The Mayor shall call a special meeting on receiving a request in writing signed by not less than twelve members specifying the 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 ⁵[member] and by ⁶[advertisement] in the local newspapers.

¹[6.] If the ⁷[offices of Mayor and Deputy Mayor are vacant], the duties assigned to the ³[Mayor] by ⁸[rules 2 to 5] shall be performed by the commissioner.

¹[7.] ⁹[All meetings of the council shall be open to the public, provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular person shall withdraw.]

¹[8.] ⁹[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 Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.]

⁹[9. No business shall be transacted at any meeting unless there be present at least twenty members.]

¹ Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "each of the general meetings held in the months" by section 216 (iii), *ibid*.

³ This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

⁴ This sub-rule was substituted for original sub-rule (1) by section 216 (iv) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This word was substituted for the word "councillor" by section 216 (iv) (b), *ibid*.

⁶ This word was substituted for the word "publication" by *ibid*.

⁷ These words were substituted for the words "office of Mayor is vacant" by section 216 (v), *ibid*.

⁸ These words and figures were substituted for the words and figures "rules 1 to 4 above" by section 216 (v), *ibid*.

⁹ Rules 7, 8, 9 and 10 were substituted for rules 7 and 8 as renumbered by section 216 (vi), *ibid*.

¹ [10. 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 not less than thirty members.]

² [11] (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 ³ [Mayor] ⁴ [Deputy Mayor or presiding member] 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.

² [12.] (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 ⁵ [thirty members], the council may add to any committee so appointed persons who are not ⁶ [members], 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 ⁶ [members] appointed to serve on the committee. ⁷ [All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members shall, save as regards the disqualification on the ground of residence or of being a Government servant, be applicable, as far as may be, to such person.]

(3) The proceedings of every such committee shall be recorded in writing and submitted to the council.

⁸ [13. The commissioner may grant copies of the proceedings and records of the council and the standing committees on payment of such fees as the council may by general or special order determine. Copies shall be certified by the commissioner as provided in section 76 of the Indian Evidence Act, 1872 ;

¹ Rules 7, 8, 9 and 10 were substituted for rules 7 and 8 as renumbered by section 216 (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii), *ibid.*

³ This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

⁴ These words were inserted by section 216 (vii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were substituted for the words "half the whole number of councillors" by section 216 (viii) (a), *ibid.*

⁶ This word was substituted for the word "councillors" by section 216 (viii) (a), *ibid.*

⁷ This sentence was added by section 216 (viii) (b), *ibid.*

⁸ This rule was inserted by section 216 (ix), *ibid.*

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.]

THE STANDING COMMITTEES.

¹ [14.] Each standing committee shall meet at the municipal office at least once a month on such day and at such hour as the committee shall from time to time determine.

¹ [15.] 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.

¹ [16.] No business shall be transacted at any meeting of a standing committee unless there is a quorum of three.

¹ [17.] ² [All questions which may come before a standing committee at any meeting shall be decided by the majority of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

¹ [18.] (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.

(2) The minutes book shall be placed before the council at such times as it may appoint.]

¹ [19.] 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 ³ [Mayor] 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.

¹ [20.] Any member of a standing committee, other than the ⁴ [Mayor] who fails to attend four consecutive meetings, shall cease to be a member of it, but may be re-elected by the council.

¹ Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These rules were substituted for rules 17 and 18 as re-numbered by section 216 (x), *ibid.*

³ This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

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

¹ [SCHEDULE III. * * *]

SCHEDULE IV.

TAXATION RULES.

(See section 138.)

² [PART I.]*Provisions common to taxes in general.*

I. (1) The commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, 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 corporation 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 corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorized agent on a day or days in each month to be fixed by the council.

I-A. The commissioner 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 tax payable by the commissioner the original assessment shall be made by the Mayor.

I-B. (1) The commissioner shall give to every person making payment of a tax a receipt therefor signed by him or 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 payment has been made and in the case of property tax, also the property in respect of which payment has been made ;
- (d) the period for which payment has been made ; and
- (e) the amount paid.]

¹ Schedule III was omitted by the Adaptation Order of 1937.

² Parts I and I-A were substituted for the original Part I by section 217 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

¹ [PART I-A.*Assessment of the property tax.*

I-C. The commissioner shall enter in the assessment books the annual value of all lands and buildings and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item :—

(i) the serial number, description and name (if any) of the item;

(ii) the name of the division and of the street, if any, in which it is situated and any survey or other number which it bears ;

(iii) the name of the owner ;

(iv) the name of the occupier;

(v) the annual value or the extent as the case may be ;
and

(vi) the amount of the tax payable.

I-D. ²[A general revision of the assessment books shall be made by the commissioner once in every five years; and for this purpose the commissioner may, with the approval of the council, arrange the territorial divisions of the city in such groups as may be considered necessary and revise the assessment books relating to each such group by rotation once in every five years :]

³[Provided that the ⁴[State] Government may, for special reasons, direct that the general revision of assessment books which is due to be made in any year shall be postponed for such period as they think fit and that such postponement shall not affect subsequent general revisions.]

I-E. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

¹ Parts I and I-A were substituted for the original Part I by section 217 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This paragraph was substituted for the first paragraph by rule 1 in Local Administration Department Notification No. 387, dated the 13th September 1945, published at page 245 of Part I-A of the *Fort St. George Gazette*, dated the 16th October 1945, re-enacted permanently by Local Administration Department Notification in the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ This proviso was added with effect on and from the 1st April 1942 by Local Administration Department Notification No. 822, dated the 3rd November 1942, published at page 828 of Part I-A of the *Fort St. George Gazette*, dated the 17th November 1942. This was re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed the commissioner shall give public notice—

(a) specifying the time when and the place where the books may be inspected; and

(b) stating that revision petitions will be considered if they reach the municipal office within thirty days from the date of such notice in the case of the Government, a railway administration or a company and fifteen days from the said date in other cases:

¹[Provided that in every case where there is an enhancement in the assessment the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days and fifteen days referred to in clause (b) shall be calculated from the date of service of such special notice.]

3. The commissioner may after giving notice to the parties concerned and hearing their objections, if any, amend the property tax 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 ²[except in a case of revision which is necessitated by reconstruction of, or improvements or additions to, buildings or by clerical or arithmetical error] 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.

3-A. In every case in which between one general revision and another the commissioner 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 commissioner shall intimate by a special notice to the owner or occupier of such

¹ These provisos were added by rule 1 in Local Administration Department Notification No. 1379, dated the 20th December 1938, published at page 843 of Part I-A of the *Fort St. George Gazette*, dated the 20th December 1938.

² These words were inserted by Local Administration Department Notification No 329, dated the 11th May 1942, published at page 351 of Part I-A of the *Fort St. George Gazette*, dated the 19th May 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

property that a petition for revising the assessment will be considered if it reaches the municipal office within thirty days from the date of service of such notice in the case of Government, a railway administration or a company and within fifteen days from the said date in other cases.

4. Any person may, at any time ¹ [not being less than thirty or more than sixty days] before the end of a half-year move the commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual 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.

²[4-A. The preferring or pendency of an application for the revision of the assessment of any tax under rules, 2, 3-A or 4 shall not—

(a) bar the collection thereof, or

(b) operate as a stay of proceedings to enforce payment of the same.]

³[4-B. Notwithstanding anything contained in rules 2, 3-A or 4 the Government may, for special reasons, by general or special order, direct the commissioner to receive and consider petitions received after the periods specified in the said rules and the commissioner shall thereupon consider and dispose of such petitions on their merits.]

5. No petition under rule 2, 3-A or 4 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.

¹ These words were substituted for the words "not being less than thirty days" by rule (1) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² This rule was inserted by rule (2) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ Rule 4-B was inserted by Local Administration Department Notification No. 93, dated the 2nd February 1943, published at page 46 of Part I-A of the *Fort St. George Gazette*, dated the 9th February 1943. This rule should be deemed to have been made and to have come into force on and from the 1st April 1942. This was re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

6. Immediately after the disposal of a revision petition, the commissioner shall inform the petitioner or his authorized agent in writing of the orders passed thereon ¹ [. . .] and shall, if necessary, cause the assessment books to be corrected.

6-A. (1) 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 2 is published ² [or, in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property].

(2) Any correction in the assessment books made by the commissioner under rule 6 or rule 18-A 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.

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 day fixed for the levy or enhancement.

6-B. The first payment of tax shall ³ [. . .] be made within thirty days of the day specified in rule 6-A.

¹ The words "shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due" were omitted by rule (3) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² These words were added by rule 2 in Local Administration Department Notification No. 1379, dated the 20th December 1938, published at page 843 of Part I-A of the *Fort St. George Gazette*, dated the 20th December 1938.

³ The words and figure "save as provided in rule 6" were omitted by rule (4) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by the Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

PART II.

Assessment of Companies.

(See section 110.)

¹[7. Companies shall be assessed by the commissioner on the following scale :—

<i>Paid up capital.</i> <i>Lakhs of rupees.</i>	<i>Half-yearly</i> <i>Tax.</i> <i>Rs.</i>
A. Less than one ...	30
B. One and more than one, but less than two	50
C. Two and more than two, but less than three	100
D. Three and more than three, but less than five	150
E. Five and more than five, but less than ten ...	250
F. Ten and more than ten, but less than twenty	500
G. Twenty and more than twenty... ..	1,000

Provided that any company, the head or a principal office of which is not in the city and which shows that its gross income received in or from the city in the year immediately preceding the year of taxation—

- (a) has not exceeded Rs. 5,000, shall pay only 25 rupees per half-year ;
- (b) has exceeded Rupees 5,000 but has not exceeded Rupees 10,000, shall pay only 50 rupees per half-year ;
- (c) has exceeded Rupees 10,000 but has not exceeded Rs. 20,000, shall pay only 100 rupees per half-year ; and
- (d) has exceeded Rupees 20,000, shall pay per half-year 100 rupees together with a sum calculated at the rate of 25 rupees per half-year for every 5,000 rupees or part thereof, of gross income in excess of Rs. 20,000 subject to a maximum half-yearly tax of 1,000 rupees.

Provided further that when a company the head or a principal office of which is not in the city becomes liable to tax for the first time, it shall pay in the first year a tax of 25 rupees; but if the gross income of the company during such year is subsequently found to have exceeded 5,000 rupees, it shall pay the tax calculated in accordance with the abovementioned scale less the initial payment of 25 rupees.]

¹ This rule was substituted for original rule 7 by section 218 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Assessment for Profession Tax.

(See section 111.)

¹ [8. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the council from time to time :

Provided that such scale shall be subject to the maximum specified against each class :

Provided also 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 :—

Class.	Half-yearly income.		Maximum half-yearly tax.	
			RS.	A. P.
I	More than Rs. 15,000	...	125	0 0
II	„ Rs. 12,000 but not more than Rs. 15,000.		100	0 0
III	„ Rs. 9,000	„ Rs. 12,000.	75	0 0
IV	„ Rs. 6,000	„ Rs. 9,000.	50	0 0
V	„ Rs. 4,800	„ Rs. 6,000.	37	8 0
VI	„ Rs. 3,000	„ Rs. 4,800.	18	0 0
VII	„ Rs. 1,800	„ Rs. 3,000.	9	0 0
VIII	„ Rs. 1,200	„ Rs. 1,800.	6	0 0
IX	„ Rs. 600	„ Rs. 1,200.	3	0 0]

² [9. (1) If, in the opinion of the commissioner, profession-tax is or will be due for any half-year from any person other than a person in respect of whom the commissioner obtains to his satisfaction particulars of income under section 115, he shall serve a notice on such person either in that half-year or in the succeeding half-year requiring him to furnish within such period, not being less than thirty days as may be specified in the notice, a return showing the income on the basis of which, according to such person, he is liable to be assessed to profes-

¹ This rule was substituted by Local Administration Department Notification, dated the 10th April 1950, published at page 51 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 18th April 1950, for rule 8, as substituted by rule 1 in Local Administration Department Notification No. 523, dated the 20th July 1942, published at page 566 of Part I-A of the *Fort St. George Gazette*, dated the 28th July 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² This rule was substituted for rule 9 by Local Administration Department Notification No. I, dated the 11th December 1942, published at page 2 of Part I-A of the *Fort St. George Gazette*, dated the 5th January 1943. This rule should be deemed to have been made and to have come into force on and from the 1st April 1942. This was re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

sion-tax for the half-year in question. Thereupon it shall be open to such person to submit a return showing the income derived by him during the half-year for which profession-tax is claimed or during the previous half-year and produce any evidence on which the person may rely in support of the return made.

(2) If a return as required under sub-rule (1) or a list with the statement as required by section 115 is furnished and the commissioner is satisfied that it is correct and complete, he shall levy the profession tax from the person liable to be assessed on the basis of such return or statement.

Explanation.—If a person produces the notice of demand of income-tax served on him under section 29 of the Indian Income-tax Act, 1922, for the year comprising the half-year in question, the commissioner shall be bound to take one-half of the income mentioned in such notice of demand as 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.

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1922.

(3) If no return as required under sub-rule (1) is furnished, or if the commissioner is satisfied that any return furnished is incorrect or incomplete, he shall assign to the person the class in the scale appropriate to the half-yearly income of such person as estimated by him.

(4) The commissioner may, when classifying any 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 commissioner shall not be entitled to call for the accounts of any person.]

PART III.

Tax on Carriages and Animals.

(See section 116.)

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

Description of carriage or animal.	Maximum half-yearly tax. RS.
For every tram car	³ [900]
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	20
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	10
For every bicycle or tricycle	3
Do. perambulator	5
Do. rickshaw	10
Do. hand-cart with springs or other appliances acting as springs	10
Do. elephant	15
Do. camel	10
Do. horse or mule not under 12 hands	10
Do. bullock or bull	4
Do. horse or mule under 12 hands	5
Do. male buffalo	4
Do. pig	4
Do. goat	4
Do. ass	4
Do. dog	2]

(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.]

¹ This rule was substituted for original rule 10 by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

² This sub-rule was substituted for sub-rule (1) by Local Administration Department Notification No. 125, dated the 1st April 1946, published at page 94 of Part I-A of the *Fort St. George Gazette*, dated the 2nd April 1946, re-enacted permanently by Local Administration Department Notification dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ These figures were substituted for the figures "100" by section 2 of the Madras City Municipal (Amendment) Act, 1950 (Madras Act XXI of 1950).

¹ [PART IV * * * .]

¹ [II. * * * * * *]

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 ² [the property tax] 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.

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

(a) unless the application has reached the municipal office in the case of the companies' and profession taxes, within fifteen days from the date of service of the notice prescribed by section 113, and in the case of any other tax within seven days from the date of demand provided that the commissioner may, if he thinks fit, extend the period within which notice of objection should be delivered to a period not exceeding one month; and

(b) unless the tax based on the assessment prevailing in the year previous to the year in question was paid before making the application.

Explanation.—The preferring or pendency of an application for the revision of the assessment of any tax shall not—

(a) bar the collection thereof, or

(b) operate as a stay of proceedings to enforce payment of the same.]

¹ [13-A (1) All such applications and all petitions under rule 2, 3-A or 4 shall be entered in a register to be maintained for the purpose; and on receipt of any application or petition, notice shall be given to the applicant or petitioner of a time and place at which his application or petition will be considered.

(2) At the said time and place the commissioner shall hear the objection in the presence of the objector or his agent if he appears or may for reasonable cause adjourn the investigation

¹ Rule 11 and the headings thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

² These words were inserted by section 222 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ Rules 13, 13-A and 14 were substituted for original rules 13 and 14 by section 223 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(3) When the objection has been determined, the order passed shall be recorded in the said register together with the date of such order and communicated to the objector or his agent by registered post.]

¹[14. Where an objector is dissatisfied with the order passed by the commissioner under sub-rule (3) of rule 13-A, he may ²[within thirty days] from the date on which such order was sent by post appeal against it to a committee called the Taxation Appeals Committee and consisting of three members, two of whom shall be members of the council elected by it and the third shall be a person appointed by the ³(State Government) either without remuneration or on such remuneration as may be fixed by them and subject to such other conditions as may be prescribed by them. The person so appointed by the Government shall be the chairman of the committee.

The Taxation Appeals Committee shall have all the powers of a standing committee under sub-section (1) of section 26, and the provisions of sub-section (2) of that section shall apply to requisitions made by the Taxation Appeals Committee as if it were a standing committee.]

⁴[No business shall be transacted at any meeting of the Taxation Appeals Committee unless the Chairman and at least one other member of the Committee are present. If the Chairman and one other member present are divided in opinion as to the decision to be given on any appeal, the appeal shall be decided at a meeting of the Committee attended by all the three members. All appeals coming up before the Committee at a meeting when all the three members are present, shall be decided according to the opinion of the majority of the members. In the event of disagreement among all the three members, the Chairman shall endeavour to bring about agreement among themselves or between any two of them over a specific proposal, failing which the opinion of the Chairman shall prevail.]

¹ Rules 13, 13-A and 14 were substituted for original rules 13 and 14 by section 223 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "within fifteen days" in the rule issued in G.O. Ms. No. 1286 Local Administration, dated the 15th September 1954 and published at page 141 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 29th September 1954.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This paragraph was added by the rule issued in G.O. Ms. 1620 Local Administration, dated the 7th August 1952, published at page 179 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 20th August 1952.

15. (a) An appeal shall lie to the small cause court against any decision of the ¹[Taxation Appeals Committee constituted under rule 14] ²[.] 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 ³ [from the date on which such decision was communicated by registered post], and

(ii) the petition of appeal has been presented within fourteen days ³ [from the date on which such decision was communicated by registered post] ⁴ [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.

⁵ [(e) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this rule.]

Central
Act IX of
1908.

16. The court may direct who shall bear the costs of an appeal under the above rule.

17. The small cause court may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do so whenever a question of law is involved if either the commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the small cause court and deposits such sum as the small cause court thinks necessary to defray the cost of the reference.

18. (a) The High Court may pass such order as it thinks fit on a reference under rule 17.

¹ These words and figures were substituted for the words "standing committee" by section 224 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words and figures "under rule 14" which occurred for the second time were omitted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

³ These words were substituted for the words "from the date of the decision" by Local Administration Department Notification No. 662, dated the 14th August 1942, published at page 706 of Part I-A of the *Fort St. George Gazette*, dated the 22nd September 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁴ This was added by section 3 of Madras Act IV of 1921.

⁵ This sub-rule was added by section 224 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(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 cost of the appeal and reference.

¹ [18-A. The assessment books maintained by the commissioner shall be corrected in accordance with the decision of the Taxation Appeals Committee or where there is an appeal to the small cause court, in accordance with its judgment under rule 15 or sub-rule (b) of rule 18, as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court, the commissioner shall grant a refund accordingly.]

¹ [19. The assessment or demand of any tax when no application or appeal is made as hereinbefore provided and when such an application or appeal is made, the orders passed by the commissioner, the decision of the Taxation Appeals Committee or the adjudication by the small cause court on the appeal, as the case may be, shall be final:

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.]

PART VI.

Collection of Taxes.

(See section 138.)

² [20. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 113 or section 120-A ³ [. . .] is due from any person the commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce the provisions of rule 21.

(2) A notice under section 113 or section 120-A and a bill under sub-rule (1) shall be signed by the commissioner 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 other particulars of the demand, and

¹ Rules 18-A and 19 were substituted for sub-rule (c) of rule 18 and original rule 19 by section 225 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² Rules 20 and 21 were substituted for original rules 20, 21 and 22 by section 226, *ibid.*

³ The words and figure "or a direction has to be given under rule 6" were omitted by rule (5) (i) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

(b) notice of the liability which may be incurred in default of payment.

(3) Where a notice ¹(or bill) 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.]

² [21' (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill ³ [.....] referred to in section 113 or section 120-A ⁴[...] or rule 20 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or 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, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums 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 sub-section (1) of section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint. Central Act V of 1908.

⁵ [Explanation.—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss to contend that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person].

¹ These words were substituted for the words "bill or direction" by rule (5) (ii), in Local Administration Department Notification No. 1204, dated the 27th November 1941, published on page 912 of Part I-A of the *Fort St. George Gazette*, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² Rules 20 and 21 were substituted for original rules 20, 21 and 22 by section 226 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ The words "or the giving of the direction" were omitted by rule (6), in Local Administration Department Notification No. 1204, dated the 27th November 1941, *ibid*.

⁴ The words and figure "or rule 6" were omitted by rule (6) *ibid*.

⁵ The Explanation under sub-rule (1) of rule 21 was inserted by Local Administration Department Notification No. 626, dated the 19th October 1943, published at page 382 of Part I-A of the *Fort St. George Gazette*, dated the 23rd November 1943, re-enacted permanently by Local Administration Department Notification in the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

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

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty or other amount due to it under this Act.]

¹ [22. * * * * *].

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.

² [24. 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 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 :

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.]

25. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible ³ [equal in value to the tax] due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

⁴ [26. (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

¹ Rules 20 and 21 were substituted for original rules 20, 21 and 22 by section 226 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This rule was substituted for original rule 24 by section 227, *ibid*.

³ These words were substituted for the words "proportionate in value to the sum" by section 228, *ibid*.

⁴ Rules 26 and 27 were substituted for original rules 26 and 27 by section 229, *ibid*.

the period of seven days mentioned in the notice given under rule 24 and if the distraint warrant is not suspended by the commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the commissioner 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 application is made by such person within twelve months from the date of the sale. If no such application is made, the property or sum so remaining shall be forfeited to the corporation. 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 commissioner may again proceed under rules 21 and 23 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of tax due, exceed the value of the property, the commissioner 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 commissioner 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 commissioner 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 rules 21 and 23; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.]

¹ [27. (a) Fees shall be levied on distraints under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table:—

Sum distrained for	Fees.
	RS. A. P.
Under one rupee 	0 4 0
One rupee and over, but under five rupees ...	0 8 0

¹ Rules 26 and 27 were substituted for the original rules 26 and 27 by section 229 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Sum distrained for	Fees.		
	RS.	A.	P.
Five rupees and over, but under ten rupees...	1	0	0
Ten rupees and over, but under fifteen rupees.	1	8	0
Fifteen rupees and over, but under twenty rupees	2	0	0
Twenty rupees and over, but under twenty-five rupees	2	8	0
Twenty-five rupees and over, but under thirty rupees	3	0	0
Thirty rupees and over, but under thirty-five rupees	3	8	0
Thirty-five rupees and over, but under forty rupees	4	0	0
Forty rupees and over, but under forty-five rupees	4	8	0
Forty-five rupees and over, but under fifty rupees	5	0	0
Fifty rupees and over, but under sixty rupees.	6	0	0
Sixty rupees and over, but under eighty rupees.	7	8	0
Eighty rupees and over, but under one hundred rupees	9	0	0
One hundred rupees and over	10	0	0

(b) Such fees shall include all expenses except—

(i) the cost of maintaining any livestock or the expenses incidental to the detention of the distrained property; and

(ii) the charge payable on account of peons kept in charge of the distrained property, namely, three annas daily for each peon.]

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 ¹ [State Government] may by general or special order direct.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.

¹ [29. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 21, the commissioner 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 not being less than fifteen days and if the occupier fails to comply with such requisition the commissioner may distrain and sell any movable property 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.]

¹ [29-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) of rule 21 and if such person has left ² [...] 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 Rules 29, 29-A, 29-B and 29-C were substituted for original rule 29 by section 230 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936)

² The word "British" was omitted by the Adaptation (Amendment) Order of 1950.

¹ [29-B. (1) Every person who is prosecuted under sub-rule (2) of rule 21 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him 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.

(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 corporation, 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 corporation such amount, if any, as he may fix as the costs of the prosecution.]

¹ [29-C. Neither the commissioner 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 VII.

Miscellaneous.

(See section 138.)

30. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with

² [(a) the water tax;

(b) the drainage tax; and

(c) the lighting tax.]

31. ³ [In these rules] the expression 'tax' includes payments due by way of composition for a tax.

¹ Rules 29, 29-A, 29-B and 29-C were substituted for original rule 29 by section 230 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words, letters and brackets were substituted for the words, letters and brackets "(a) the water and drainage tax, and (b) the lighting tax" by section 231 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were substituted for the words and figures "For the purpose of Parts V and VI of these rules" by section 232 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

SCHEDULE V.
FINANCIAL RULES.
(See section 141.)

PART I.

Authorized Expenditure.

¹[1. 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 citizens of Madras or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the ²[State Government] may prescribe or issue; and shall be applicable there to outside the city if the expenditure is authorized by this Act or specially sanctioned by the ² (State Government)].

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 ²[State Government]; contracting for the use of a hospital

¹ This rule was substituted for original rule (1) by section 233, of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

or part of a hospital, dispensary, or place of reception; combining with any other local authority or with the ¹ [State 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, ² [medical practitioners], medical subordinates, sanitary inspectors and analysts; the training of ³ [midwives and] nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; ⁴ [the provision of health visitors, midwives and dhais for attendance on maternity cases]; 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; ⁵ [of shops, stalls, and plinths]; of latrines; of drains and drainage works; of sewage farms ⁶ [and all works for the removal or disposal of sewage]; of tramways; ⁷ [. . .] 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; ⁸ [improvement 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 ⁸ [whether within or without municipal limits] to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning,

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 234 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ These words were inserted by section 234 (i) (b), *ibid.*

⁴ These words were inserted by section 234 (i) (c), *ibid.*

⁵ These words were inserted by section 234 (ii) (a), *ibid.*

⁶ These words were inserted by section 234 (ii) (b), *ibid.*

⁷ The words "and other works for the removal of sewage" were omitted by section 234 (ii) (c), *ibid.*

⁸ These words were inserted by section 234 (iii), *ibid.*

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 improvements of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings, ¹ [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) 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 ² [other agricultural, industrial or trading 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;

¹ These words were inserted by section 235 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "other industrial concerns" by section 235 (ii), *ibid.*

- (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, ¹ [homes or settlements for beggars, work-houses, infirmaries and children's homes,] pounds and other works of public utility;
- (q) The organization and maintenance of health associations ² [and the provision and organization of health propaganda work in slums and other areas];
- (r) The organization and maintenance of ³ [maternity and child welfare centres and] associations for the prevention of juvenile smoking and cruelty to children, ⁴ [and training of health visitors];
- ⁵ [(s) the provision and maintenance of rescue homes.]

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 of 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 ⁶ [including the Pasteur Institute, Coonoor] for treatment; ⁷ [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;

¹ These words were inserted by section 235 (iii). of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were added by section 235 (iv) *ibid.*

³ The words were inserted by section 235 (v) (a), *ibid.*

⁴ These words were added by section 235 (v) (b), *ibid.*

⁵ This clause was added by section 235 (vi), *ibid.*

⁶ These words were inserted by section 236 (i), *ibid.*

⁷ This was added by section 4 (1) of Madras Act VII of 1922. It shall be deemed to have been in force from the 1st October 1919—see section 1 (2), *ibid.*

- (d) Legal expenses;
- ¹ [(e) Election expenses];
- (f) Auditors' fees;
- (g) The provision and maintenance of municipal work-shops;
- (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 ²(State) Government and of ³(. . .) ⁴[the Central Government] the council may—

(a) upon any of the public streets in Madras, or upon any land in or without Madras which is vested in the council, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(b) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(c) carry and convey passengers and goods upon any such railway,

(d) make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Madras,

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to, or controlled by, such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(g) lease any such railway to any person upon such terms and under such conditions any restrictions as may be mutually agreed upon.

¹ This clause was substituted for original clause (e) by section 236 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ The words "the Federal Railway Authority or" were omitted by the Adaptation (Amendment) Order of 1950.

⁴ These words were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937.

Explanation.—The term ‘railways’ in this rule does not include ‘tramways.’

¹ [7. * * * * * .]

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 ² [State Government], contribute to any fund for the defence of the city ³ [or India], 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 ⁴ [or incur any other extraordinary charges].

PART II.

⁵ [11. All moneys received by the corporation shall be lodged in the Imperial Bank of India or with the sanction of the ² (State 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 ² (State 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 ² (State Government); or

(ii) be placed on a fixed deposit in the Imperial Bank of India or in any other bank approved by the ⁶ [(State Government)]

¹ This rule was omitted by section 237 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ These words were substituted for the words “India or the Empire”, by the Adaptation (Amendment) Order of 1950.

⁴ 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—see section 1 (2), *ibid.*

⁵ This rule was substituted for original rule 11 by Notification No. 1639, Local Self-Government, dated the 15th November 1932, published at pages 1033-1034 of Part I-A of the *Fort St. George Gazette*, dated the 15th November 1932.

¹[12. (1)] 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.

¹[(2) If the council shall have given previous authority in writing, such bank may at once pay out of the municipal fund without such order or cheque any expense which the ²(State Government) have incurred on behalf of the corporation.

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

¹ Original rule 12 was renumbered as sub-rule (1) of rule 12 and new sub-rule (2) was added by section 238 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1987 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

or expedient to cover any expenditure not covered by a budget-grant.

15. ¹[]

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

¹ This rule was omitted by the rule issued in G.O. Ms. No. 652, Local Administration, dated the 5th May 1954, at page 89 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 26th May 1954.

(d) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the ¹[State Government] within a period of three months from the end of the financial year, or within such other period as the ¹[State Government] may notify.

² [20. (1) The commissioner shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and send a report of the same to the standing committee which shall forward the report to the council.]

³ [(2) The council shall submit its remarks on the audit report, if any, to the ¹(State Government) through the Examiner of Local Fund Accounts within six months after the receipt of the report by the corporation.]

⁴ [20-A. Copies of all correspondence addressed to or by the standing committee or its chairman—

(a) on all matters falling within the scope of rules 19 and 20; and

(b) on such other matters of importance as the commissioner may from time to time determine

shall be sent simultaneously to the commissioner by the auditors or by the chairman of the standing committee as the case may be.]

21. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making or ⁵[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.

¹ The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Original rule 20 was renumbered as sub-rule (1) of rule 20 by section 239 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and for sub-rule (1) as so renumbered this sub-rule was substituted by Local Administration Department Notification No. 1411, dated the 7th November 1940, published at page 956 of Part I-A of the *Fort St. George Gazette*, dated the 17th December 1940, re-enacted permanently by Local Administration Department notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ This sub-rule was added by section 239 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁴ This rule was inserted by Local Administration Department Notification No. 943, dated the 13th August 1940, published at page 598 of Part I-A of the *Fort St. George Gazette*, dated the 20th August 1940, re-enacted permanently by Local Administration Department notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ These words were substituted for the word "authorizing" by section 240 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish ¹ [by registered post] a copy thereof to the person against whom it is made.

² [(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 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 22 and 23 shall be calculated from the date of such refusal.]

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 ³ [State Government] who shall pass such orders as they think fit.

Central
Act XV
of 1882

23. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the ³ [State Government] against the decision; and such sum if not so paid, or such sum as the court or the ³ [State Government] shall declare to be due, shall be recoverable on an application ⁴ [made by the commissioner] 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 ³ [State Government] may determine.

¹ These words were inserted by section 240 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This sub-rule was added by section 240 (iii), *ibid*.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were inserted by section 241 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

PART IV.

Form of Accounts.

25. The council shall make regulations, subject to the approval of the ¹ [State Government] 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.

² [SCHEDULE VI.]

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 287
BE USED WITHOUT A LICENCE.

(See section 287.)

Aerated waters—Manufacturing.

Ammunition—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

³ [Arrack—Manufacturing.]

Articles made of flour—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

³ [Beer—brewing.]

Biscuits—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

⁴ [Bran—Selling wholesale or retail or storing for wholesale or retail trade.]

Bread—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This Schedule was substituted for the original Schedule VI by section 242 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

³ This entry was inserted by Public Health Department Notification, dated the 4th May 1948, published at page 64 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 18th May 1948.

⁴ This entry was inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

Bricks—Manufacturing.

Camphor—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets—Manufacturing.

Catgut—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal—Dumping, sifting, selling or storing.

Chemical preparations—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies—Grinding by machinery.

¹ [Chillies (dried)—Selling wholesale or retail or storing for wholesale or retail trade.]

Chlorate mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Cloths—Dyeing.

Coal—Dumping, sifting, selling or storing.

Coconut fibre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Combustible material—Storing.

Combustibles—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Condiments—Manufacturing.

Confectionery—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

² [Cotton—Selling wholesale or retail, storing for wholesale or retail trade or for conversion into yarn, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

¹ This entry was substituted for the entry relating to "chillies (dried)" by Public Health Department Notification No. 295 dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944.

² These entries were substituted by Public Health Department Notification No. 401, dated the 29th September 1944, published at page 239 of Part I-A of the *Fort St. George Gazette*, dated the 3rd October 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949, for the entry relating to "cotton, cotton refuse, cotton seed" as amended by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently by Public Health Department Notification, dated the 28th March 1949, referred to above.

- Cotton refuse, cotton seed—Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.]
- Cowdung cakes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Dyes—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Explosive—Storing.
- Fibre—Selling or storing.
- Fat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Firewood—Selling or storing.
- Fireworks—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fish—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fish oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Flax—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fleshings—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Flour—¹ [Selling wholesale or retail, storing for wholesale or retail trade], packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
- Fuel—Using for any industrial purpose.
- Fulminate of mercury—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Garlic—Storing or packing.
- Gas—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Ghee—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gold—Refining.
- ² [Grain—Selling wholesale or retail, or storing for wholesale or retail trade.]

¹ These words were inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at page 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

² This entry was substituted for the entry relating to "grain" by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

Gram—Husking by machinery.

Grass—Selling or storing.

¹ [Groundnut—Selling wholesale or retail or storing for wholesale or retail trade.]

Gun cotton—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunny-bag—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunpowder—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay—Selling or storing.

Hemp—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice—Manufacturing.

² [Jaggery—Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.]

Jute—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Kathi—Preparing.

Lac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead—Melting.

Leather—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

¹ This entry was substituted for the entry relating to "groundnut" by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette* dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette* dated the 5th April 1949.

² This entry was substituted for the entry relating to "Jaggery" by *ibid.*

¹ [Machinery—Other than such machinery as may by notification be exempted by the ²(State) Government from time to time—Using for any industrial purpose.]

Matches—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals—Beating, breaking, hammering, casting, etc.

Nitro-compound—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

³ [Oil cakes—Selling wholesale or retail or storing for wholesale or retail trade.]

Oil-cloth—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Onions—Storing or packing.

Paddy—Boiling or husking by machinery.

Paper—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

⁴ [Petroleum products—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever :

¹ This item was substituted for the item "Machinery—Using for any industrial purpose" by Local Administration Department Notification No. 151, dated the 4th February 1942, published at page 158 of Part I-A of the *Fort St. George Gazette*, dated the 3rd March 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the *Fort St. George Gazette*, dated the 27th April 1948.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This entry was inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

⁴ This entry was substituted for the entry relating to "Petroleum products" by Public Health Department Notification No. 15, dated the 9th January 1945, published at page 112 of Part I-A of the *Fort St. George Gazette*, dated the 16th January 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the *Fort St. George Gazette*, dated the 5th April 1949.

Provided that no licence under this Act shall be required for storing petroleum and its products in quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder.]

Pitch—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

¹ [Pulses and agricultural products which is likely to attract rats—Selling wholesale or retail or storing for wholesale or retail trade.]

Rags—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Resin (including rosin)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sago—Manufacturing or distilling.

Saltpetre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seekai—Powdering by machinery.

Shellac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Silk—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Spirits ²[that is to say, any liquor containing alcohol (whether denatured or not)]—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Straw—Selling or storing.

Sugar—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sugar-candy—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sulphur—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

¹ This entry was inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

² These words were inserted by Public Health Department Notification, dated the 4th May 1948, published at page 64 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 18th May 1948.

Surki—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sweet-meats—Baking, preparing keeping, or storing for human consumption (for other than domestic use.)

¹[Syrup—Preparing or manufacturing by any process whatever.]

Tallow—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials—Selling or storing.

Tiles—Manufacturing.

Timber—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies)—Storing, packing, pressing, preparing or manufacturing by any process whatever.

Turpentine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or ² [for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes when such storage, boiling, keeping or washing] is for domestic use and limited to such quantities as may from time to time be fixed by the commissioner.

Gilding or electro-plating.

Keeping a shaving or hair dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

³ [Washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes.]

In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the commissioner is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

¹ This entry was inserted by Public Health Department Notification No. 151, dated the 12th April 1944, published at page 101 of Part I-A of the *Fort St. George Gazette*, dated the 18th April 1944, and re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

² These words were substituted for the words "for boiling paddy when such storage or boiling" by Health Department Notification, dated the 27th November 1951, published at page 285 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 4th December 1951.

³ This item was substituted for the original item by *ibid.*

SCHEDULE VII.
ORDINARY PENALTIES.
[See Section 357 (1).]

Section or rule. (1)	Sub- section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
¹ [34	(1)	Interested councillor or alderman voting or taking part in discussion.	Two hundred rupees.]
106	(1) & (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
107	² [(1)]	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 ³ [comply with requisition to furnish list of persons carrying on profession, art, etc.]	One hundred rupees.
115	...	Failure of employer or ⁴ [head of an office, firm or company to comply with requisition to furnish list of persons in his employ.]	One hundred rupees.
120	...	Failure of occupier to ⁵ [comply with] requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Ten rupees.
⁶ [120-A	(2)	Failure of person liable to pay tax on carriages and animals to comply with requisition to furnish statements of vehicles and animals or furnishing incorrect statement.	Ten rupees.]
122	⁷ [(1) and (2)]	Failure to ⁸ [comply with] order to affix and register number of carriage.	Ten rupees.
124	⁹ [(2)]	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.
⁹ [*	*	* * * * *]

¹ This item was inserted by section 243 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The figure and brackets "(1)" were inserted by section 243 (iii), *ibid.*

³ These words were substituted for the words "furnish list of persons liable to tax" by section 243 (iv), *ibid.*

⁴ These words were substituted for the words "his representative to furnish list of persons liable to tax" by section 243 (v), *ibid.*

⁵ These words were substituted for the words "obey" by section 243 (i), *ibid.*

⁶ This item was inserted by section 243 (vi), *ibid.*

⁷ The figures, word and brackets "(1) and (2)" were substituted for the figure and brackets "(1)" by section 243 (vii), *ibid.*

⁸ The figure and brackets "(2)" were substituted for the figure and brackets "(1)" by section 243 (viii), *ibid.*

⁹ Item relating to section 133 was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
166	...	Trespassing on premises connected with water-supply.	Fifty rupees.
168	...	Failure to maintain house connexions in conformity with by-laws ¹ [. . . .]	Fifty rupees.
169	2 [(2) and (4)]	Failure to * [comply with] 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 ⁴ [. . . .]	Fifty rupees.
178	(2) & (3)	Failure to * [comply with] 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 * [comply with] direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees.
181	5 [(1)]	Unlawful construction of building over public drain.	One hundred rupees.
182	...	Failure to * [comply with] requisition regarding culverts or to keep them free from obstruction.	Fifty rupees.
183	...	Failure to * [comply with] 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 * [comply with] requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees.
187	...	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
188	...	Failure to * [comply with] 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.

¹ The words "and regulations" were omitted by section 243 (ix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The figures, brackets and word "(2) and (4)" were substituted for the figure and brackets "(2)" by section 243 (x), *ibid.*

³ These words were substituted for the words "obey" by section 243 (j), *ibid.*

⁴ The words "and regulations" were omitted by section 243 (xi), *ibid.*

⁵ The figure and brackets "(1)" were inserted by section 243 (xii), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
191	...	Making connexion with mains without permission.	Two hundred rupees.
195	(1)	Failure of occupier to ¹ [comply with] 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 ¹ [comply with] direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.	Ten rupees.
"	(3)	Failure to ¹ [comply with] direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees.
196	(a)	Failure to ¹ [comply with] 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 [(3)]	Depositing carcasses of animals, rubbish or filth in improper places.	Twenty rupees.]
"	³ [(4)]	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees.
209	³ [(5)]	Allowing filth to flow in streets ...	Twenty rupees.
"	...	Building within street alignment or building line without permission.	One thousand rupees.
⁴ [210	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees.]
214	...	Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.	Fifty rupees.
⁵ [215	...	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees.]
216	...	Unlawful making or laying of new street.	Five hundred rupees.
218	...	Failure to ¹ [comply with] requisition to metal, etc., private street.	One hundred rupees.
220	...	Building wall or erecting fence, etc., in a street, ⁶ [or any public place vested in the control of the corporation.]	One hundred rupees.

¹ These words were substituted for the word "obey" by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This item was substituted for the original items relating to sub-sections (3) and (4) by section 243 (xiii) (b), *ibid.*

³ The figures and brackets "(4) and (5)" were substituted for the figures and brackets "(5) and (6)" respectively by section 243 (xiii) (a), *ibid.*

⁴ This item was inserted by section 243 (xiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ This item was inserted by section 243 (xv), *ibid.*

⁶ These words were inserted by section 243 (xvi), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(a)	(3)	(4)
221	...	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
222	...	Failure to remove permanent encroachment.	Two hundred rupees.
223	...	Failure to remove temporary encroachments.	Fifty rupees.
225	...	Unlawful removal of bar, or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
227	(3)	Failure to remove obstruction ...	Fifty rupees.
	...	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 buildings.	Twenty rupees.
	(3)	Failure to replace number when required to do so.	Twenty rupees.
1 [231	(5)	Constructing or reconstructing buildings contrary to declaration issued by council.	Two hundred rupees
232	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	One hundred rupees.]
233	...	Construction, ² [reconstruction or retention] of external roof, etc., with inflammable materials.	Fifty rupees.
254	...	Failure to keep external walls of premises in proper repair.	Twenty rupees.
3 [257-B	...	Failure of owner of cheri or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.	Two hundred rupees.
257-C	(1)	Failure of owner of cheri or hutting ground to comply with requisition to prepare and submit plan.	One hundred rupees.
257-E	...	Construction of new buildings or huts or additions to existing buildings or huts before the preparation and approval of plan.	Two hundred rupees.
257-F	...	Construction of new buildings or huts or additions to existing buildings or huts if situated in sites not marked in the standard plan.	Two hundred rupees.
257-G	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Two hundred rupees.

¹ These items were inserted by section 243 (xvii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were inserted by section 243 (xviii) *ibid.*

³ Items relating to sections 257-B to 257-AA were inserted by section 243 (xix), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
257-H	(1)	Failure of owner of cheri or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.	Two hundred rupees.
"	(2)	Erection of new building or hut or making addition to existing building or hut before compliance with notice under subsection (1).	Two hundred rupees.
257-K	...	Failure of owners of buildings or huts or owners of cheri or hutting ground to comply with notice to carry out improvements.	Two hundred rupees.
257-U	(1) & (2)	Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain convenience made by him.	Two hundred rupees.
"	(3)	Failure of tenants to comply with notice to repair street, etc.	One hundred rupees.
257-X	(3)	Failure to remove all buildings or huts.	Two hundred rupees
"	(5)	Failure of owner of land to comply with notice to carry out improvements.	Two hundred rupees.
257-Y	(4)	Erection of hut or portion of hut within street alignment.	One hundred rupees.
257-Z	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.	Two hundred rupees.
257-AA	...	Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.	Two hundred rupees.]
258	...	Failure to ¹ [comply with] requisition to take down, repair or secure dangerous structure.	Five hundred rupees.
259	...	Failure to ¹ [comply with] requisition to secure, lop, or cut down dangerous tree.	Fifty rupees.
260	...	Failure to ¹ [comply with] requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Fifty rupees.
261	...	Failure to ¹ [comply with] notice regarding precautions against fire.	One hundred rupees.
262	(1)	Constructing well, etc., without permission.	Fifty rupees.
"	(3)	Failure to ¹ [comply with] notice to fill up or demolish well, etc.	Fifty rupees.

¹ These words were substituted for the words "obey" by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Section or rule.	Sub section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
263	...	Failure to ¹ [comply with] requisition to stop dangerous quarrying.	One hundred rupees.
264	¹ [(1)]	Failure to [comply with] requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees.
¹ [„	(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees.]
265	...	Failure to ¹ [comply with] requisition to cleanse or close, etc., tank, well or other source of water used for drinking, ⁴ [bathing or washing clothes.]	Fifty rupees.
267	...	Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations.	Twenty rupees.
¹ [268	...	Defiling water in tanks, etc.	Fifty rupees.]
269	...	Failure to ¹ [comply with] requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees.
270	...	Failure to ¹ [comply with] requisition to clear or cleanse, etc., building or land in filthy state or overgrown with ⁶ [any thick or noxious vegetation.]	Fifty rupees.
⁷ [270-A	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping etc., of coal, ashes, etc.	One hundred rupees.]
271	...	Failure to ¹ [comply with] requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees.
272	...	Failure to ¹ [comply with] requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
273	...	Failure to ¹ [comply with] 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 ¹ [comply with] 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.

¹ These words were substituted for the words "obey" by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The figure and brackets "(1)" were inserted by section 243 (xx) (a), *ibid.*

³ This item was inserted by section 243 (xx) (b), *ibid.*

⁴ These words were inserted by section 243 (xxi), *ibid.*

⁵ This item was substituted for the original items relating to section 268 (a), (b), (c) and (d) by section 243 (xxii), *ibid.*

⁶ These words were substituted for the words "prickly-pear or other noxious vegetation" by section 243 (xxiii), *ibid.*

⁷ This item was inserted by section 243 (xxiv), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
275	(4)	Failure to ¹ [comply with] requisition to vacate overcrowded building or room.	Twenty rupees for each day.
2 [279	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees.]
280	(a)	Unlawful keeping of pigs.	Twenty rupees.
"	(b)	Unlawful keeping of animal so as to be a nuisance or ³ [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.
4 [285-A	...	Using a public place or the sides of a public street as a public landing place, etc.	⁵ [Two hundred rupees.]
285-C	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees.]
286	...	Failure to remove carcass of animal.	Twenty rupees.
6 [287	(1)	Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.	Two hundred rupees.
288	(1), (2) & (3)	Unlawful erection of factory, workshop, workplace or machinery.	One thousand rupees.
"	(5)	Disobedience of order regarding chimneys.	Five hundred rupees.
289	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
"	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.	Two hundred rupees.
289-A	...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	Five hundred rupees.
289-B	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	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.

¹ These words were substituted for the word "obey" by section 243 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This item was inserted by section 243 (xxv), *ibid.*

³ This word was substituted for the word "dangerous" by section 3 (1) of, and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

⁴ These items were inserted by section 243 (xxvi), of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were substituted for the words "Twenty rupees" by section 3 (1) of and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

⁶ Items relating to section 287 to 289-B were substituted for the original items relating to sections 287 to 290 by section 243 (xxvii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
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 ¹ [. . .] without ² [permission] or contrary to ³ [permission].	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 ⁴ [comply with] 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.
*[308-B	...	Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	Fifty rupees.]
309	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One-hundred rupees.
310	...	⁵ [Sale or exposure for sale of animal or article in public streets]	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.
*[319	(1)	Opening, etc., without licence a new place for the disposal of the dead.	One 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.

¹ The words "of food" were omitted by section 243 (xxviii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This word was substituted for the word "licence" by *ibid.*

³ These words were substituted for the words "obey" by section 243 (i) *ibid.*

⁴ This item was inserted by section 243 (xxix), *ibid.*

⁵ These words were substituted for the words "Sale of article in public streets after prohibition or contrary to regulation" by section 243 (xxx), *ibid.*

⁶ This item was inserted by section 243 (xxxi) *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
322	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
323	...	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees.
324	(3)	Burial or burning in place after prohibition.	Two hundred rupees.
325	...	Burial or burning ¹ [etc., of corpses].	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 ² [comply with] 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.
³ [337-A	...	Infected person carrying on occupation.	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 book from public or circulating library by infected person.	Fifty rupees.
⁴ [343-A	...	Using water after prohibition ...	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 publicity exhibited.	Fifty rupees.
"	(4)	Destruction, etc., of board exhibiting printed copies of by-laws and rules.	Fifty rupees.

¹ These words were substituted for the words "in places contrary to Act or by-laws" by section 243 (xxxii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "obey" by section 243 (i), *ibid.*

³ This item was inserted by section 243 (xxxiii), *ibid.*

⁴ This item was inserted by section 243 (xxxiv), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
365	(7)	Failure to produce licence on request.	Ten rupees.
368	...	Failure to ¹ [comply with] requisition to attend, produce document or give evidence.	One hundred rupees.
376	(1)	Failure of occupier to ¹ [comply with] requisition to permit owner to comply with provisions of Act.	Fifty rupees. for each day.
^a [378	...	Preventing the commissioner or any person authorized by him from exercising his powers of entry, etc.	Fifty rupees.]
406	...	Obstructing or molesting ³ [council, standing committee, Mayor], 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 ⁴ [or commissioner.]	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 ¹ [comply with] 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 ⁵ [. . . .]	Five rupees.
169	(2) ⁷ [and (4)]	Failure to ⁶ [comply with] requisition to make house-connexion.	Five rupees.
177	...	Failure to maintain house-drains, etc., in conformity with by-laws ⁸ [. . . .]	Ten rupees.

¹ These words were substituted for the word "obey" by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This item was inserted by section 243 (xxxv), *ibid.*

³ These words were substituted for the words "municipal contractors" by section 243 (xxxvi), *ibid.*

⁴ These words were added by section 243 (xxxvii), *ibid.*

⁵ The words "and regulations" were omitted by section 244 (ii), *ibid.*

⁶ These words were substituted for the word "obey" by section 244 (i), *ibid.*

⁷ The word, figure and brackets "and (4)" were inserted by section 244 (ii), *ibid.*

⁸ The words "and regulations" were omitted by section 244 (iv), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
178	(2) & (3)	Failure to ¹ [comply with] requisition as to house-drainage.	Ten rupees.
"	(4)	Occupying or allowing occupation of house without proper drainage.	Twenty rupees.
183	...	Failure to ¹ [comply with] 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 ¹ [comply with] 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 ¹ [comply with] requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Twenty rupees.
202	(1) & ² [(4)]	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.
³ [215]	...	Failure to provide streets or roads on building sites prior to disposal.	Ten 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.
⁴ [232]	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	Fifty rupees.]
233	...	Construction ⁵ [reconstruction or retention] of external roof, etc., with inflammable materials.	Ten rupees.

¹ These words were substituted for the word "obey" by section 244 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The figure and brackets "(4)" were substituted for the figure and brackets "(5)" by section 244 (v), *ibid.*

³ This item was inserted by section 4 of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ This item was inserted by section 244 (v) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

⁵ These words were inserted by section 244 (vii), *ibid.*

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
254	...	Failure to keep external walls of premises in proper repair.	Ten rupees.
1 257-B	...	Failure of owner of cheri or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.	Fifty rupees.
257-C	(1)	Failure of owner of cheri or hutting ground to comply with requisition to prepare and submit plan.	Twenty rupees.
257-G	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Twenty rupees.
257-H	(1)	Failure of owner of cheri or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.	Fifty rupees.
257-K	...	Failure of owners of buildings or huts or owners of cheri or hutting ground to comply with notice to carry out improvements.	Fifty rupees.
257-U	(1) & (2)	Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain conveniences made by him.	Fifty rupees.
	(3)	Failure of tenants to comply with notice to repair street, etc.	Twenty rupees.
257-X	(3)	Failure to remove all buildings or huts.	Fifty rupees.
	(5)	Failure of owner of land to comply with notice to carry out improvements.	Fifty rupees.
257-Z	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.	Fifty rupees.
257-AA	...	Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.	Fifty rupees.]
260	...	Failure to ¹ [comply with] requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Ten rupees.
261	...	Failure to ² [comply with] notice regarding precaution against fire.	Ten rupees.
263	...	Failure to ² [comply with] requisition to stop dangerous quarrying.	Ten rupees.

¹ Items 257-B to 257-AA were inserted by section 244 (viii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the word "obey" by section 244 (i), *ibid.*

Section o rule (1)	Sub- section or clause. (2)	Subject. (3)	Daily fine which may be imposed. (4)
264	...	Failure to ¹ [comply with] requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees.
265	...	Failure to ¹ [comply with] requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking ² [bathing or washing clothes.]	Ten rupees.
269	...	Failure to ¹ [comply with] requisition to enclose, clear or cleanse untenanted premises.	Ten rupees.
270	...	Failure to ¹ [comply with] requisition to clear or cleanse, etc., building or land in filthy state or overgrown with ³ [any thick or noxious vegetation.]	Ten rupees.
*[270-A	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.	Twenty rupees.]
271	...	Failure to ¹ [comply with] requisition to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall.	Ten rupees.
272	...	Failure to ¹ [comply with] requisition to lime-wash or otherwise cleanse building.	Ten rupees.
273	...	Failure to ¹ [comply with] 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.
*[279	(1)	Keeping a lodging house, eating house, tea shop, etc., without or contrary to licence.	One hundred rupees.]
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.
*[285-A	...	Using a public place or the sides of a public street as a public landing place, etc.	⁷ (Twenty rupees.)
285-C	...	Keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees.]
286	...	Failure to remove carcass of animal.	Five rupees.

¹ These words were substituted for the word "obey" by section 244 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were added by section 244 (ix), *ibid.*

³ These words were substituted for the words, "prickly-pear or other noxious vegetation" by section 244 (x), *ibid.*

⁴ This item was inserted by section 244 (xi), *ibid.*

⁵ This item was inserted by section 244 (xii), *ibid.*

⁶ Items relating to sections 285-A and 285-C were inserted by section 244 (xiii), *ibid.*

⁷ These words were substituted for the words "Two hundred Rupees" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, (Madras Act XIV of 1951.)

Section or rule (1)	Sub-section or clause. (2)	Subject. (3)	Daily fine which may be imposed. (4)
¹ [287	(1)	Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.	Fifty rupees.
288	(1), (2) & (3) (5)	Unlawful erection of factory, workshop, workplace or machinery.	One hundred rupees.
		Disobedience of order regarding chimneys.	Fifty rupees.
289	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
"	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees.
289-A	...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees.
289-B	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred 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.
² [308-B	...	Failure of person in charge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees.]
309	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees
³ [...	...	Exposing carcasses of animals for sale without licence.	Twenty rupees.
319	(1)	Opening etc., without licence a place for the disposal of the dead.	One hundred rupees.]
334	...	Failure to ⁴ [comply with] requisition to cleanse or disinfect building or article.	Ten rupees.
⁵ [337-A	...	Infected person carrying on occupation.	Fifty rupees.
341	...	Failure to close place of public entertainment.	One hundred rupees.
343-A	... Schedule V, rule 18.	Using water after prohibition ... Failure to ⁴ [comply with] requisition by auditors to attend, give evidence or produce document.	Fifty rupees.] Seventy rupees.

¹ Items relating to section 287 to 289-B were substituted for the original items relating to sections 287 to 290 by section 244 (xiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² This item was inserted by section 255 (xv), *ibid.*

³ This item and the item relating to section 319 were inserted by section 244 (xvi), *ibid.*

⁴ These words were substituted for the word "obey" by section 244 (i), *ibid.*

⁵ Items relating to sections 337-A, 341 and 347-A were inserted by section 244 (xvii), *ibid.*

MADRAS ACT No. VII OF 1919¹.

[THE MADRAS FOREST (AMENDMENT) ACT, 1919.]

(Received the assent of the Governor on the 27th August 1919 and that of the Governor-General on the 29th September 1919 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 21st October 1919.)

An Act to amend the Madras Forest Act, 1882.

- 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 :— Madras Act V of 1882.
- 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 ²[State Government] may delegate to the Chief Conservator of Forests, or to such other officer or authority as the ²[State Government] 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 V of 1882.

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

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States(Laws) Act, 1949 (Madras Act XXXV of 1949.)

²The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

MADRAS ACT No. II OF 1920¹

[THE MADRAS VILLAGE COURTS (AMENDMENT) ACT, 1919.]

(Received the assent of the Governor on the 1st December 1919 and that of the Governor-General on the 24th December 1919; the assent of the Governor-General was first published in the Fort St. George Gazette of the 30th March 1920.)

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

Madras Act I of 1889.

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

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

Madras Act I of 1889.

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. Interpretation clause.

* [3 to 24 * * * * *]

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 and 27 * * * * *]

SCHEDULE.

* [* * * * *]

¹ For Statement of Objects and Reasons, see Fort St. George Gazette Part IV, dated 17th July 1917, pp. 1135-1136. For Report of 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.

² Sections 3 to 24, 26 and 27 and the Schedule were repealed by the First Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of the 1938.)

THE MADRAS CHILDREN ACT, 1920.

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MADRAS ACT No. IV OF 1920.¹

[THE MADRAS CHILDREN ACT, 1920.]

(Received the assent of the Governor on the 24th April 1920 and that of the Governor-General on the 29th May 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 29th 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.

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:—

Preamble.

PART I.

Preliminary.

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

² [(2) The ³ (State 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.]

⁴ [(3) * * * * *]

⁵ [2. In areas to which the provisions of this Act relating to youthful offenders have been applied to any class of them,

Extent of application of the Reformatory Schools Act in areas to which the provisions of this Act have been applied.

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.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957), repealing the corresponding law in force in that territory.

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

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This sub-section was omitted by section 2 (2) of the Madras Children (Amendment) Act, 1924 (Madras Act I of 1924.)

⁵ This section was substituted for the original section by section 3, *ibid*.

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.] Central Act VIII 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, notwithstanding that the child attains the age of fourteen years before the expiration of that period;

(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.

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) 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 ¹[State 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.

5. (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child or young

¹ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

Powers of courts.

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

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.

6. (1) The ¹[State Government] may establish and maintain senior certified and junior certified schools for the reception of youthful offenders and children. Establishment and certification of schools.

(2) The ¹[State 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.

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 ¹[State Government] and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act. Management of schools.

(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.

8. (1) The ¹[State 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 ¹[State Government] directs but shall act under the direction of the chief inspector. Inspection of schools.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹[State 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.

Powers of State Government to withdraw certificate.

11. The ¹[State 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 ¹[State 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 ¹[State 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

as the ¹ [State Government] otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

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 ¹ [State Government], to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Disposal of inmates on withdrawal or resignation of certificate.

15. The ¹ [State 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 ¹ [State Government], be treated as part of the school or schools to which it is attached.

Auxiliary homes.

16. The managers of a certified school not established by the ¹ [State 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.

Liabilities of managers.

17. (1) The ¹ [State 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.

Inspection of uncertified poor schools and institutions.

(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 ¹ [State 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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.

Detention and release on bail of children and young persons.

¹ [18. (1) Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence, he shall be informed, as soon as may be, of the grounds for such arrest and, unless he is released on bail under sub-section (2), shall be produced before the nearest Magistrate within a period of twenty-four hours of his arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate.

(2) The officer in charge of a police station before whom such person may be produced 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.

(3) In no case shall such person be detained in custody beyond the period specified in sub-section (1) without the authority of a Magistrate.]

² [19. * * * * *]

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.

¹ This section was substituted for the original section by the Adaptation (Amendment) Order of 1950.

² This section was omitted by *ibid.*

(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.

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 :

Sentences that may not be passed on a child.

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.

Sentences that may be passed on a child.

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.

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

(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 inquiry 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 ¹[State 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.

Central
Act V of
1898.

(5) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the ¹[State 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. ² [(1)] 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,

³ [or

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Section 25 was renumbered as sub-section (1) of section 25 by section 2(1) of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

³ The word and clause were inserted by section 2 (1) (i), *ibid.*

(c) committed to the custody of any suitable person, whether a relative or not, who is willing to undertake the care of the youthful offender, until he attains the age of sixteen years or for any shorter period;]

and the court may ¹ [in any case in which it passes an order under clause (a) or clause (b)] pass a further order that the youthful offender be placed ² [under the supervision of a probation officer or of some other person, named by the court.]

³ [(2) Where a court passes an order under this section placing a youthful offender under the supervision of a probation officer or of some other person, such officer or person shall, while the order remains in force, visit, advise and befriend the youthful offender and when necessary, endeavour to find him suitable employment.

(3) The parent, guardian, relative or other person to whose custody a youthful offender has been committed, or the probation officer or other person under whose supervision a youthful offender has been placed, may, at any time while the order committing him to such custody or placing him under such supervision remains in force and while the offender is under the age of sixteen years, bring him before the court which passed the order or any other court within the local limits of whose jurisdiction the youthful offender may then be residing, and such court may, if it thinks that it is desirable in the interests of the youthful offender so to do, vary the order or orders previously passed and order him to be sent to a certified school or pass a fresh order or orders under sub-section (1).]

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.

Power to order parent to pay fine, etc., instead of 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.

¹ These words, letters and brackets were substituted for the words "in either case" by section 2 (1) (ii) of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

² These words were substituted for the words "under the supervision of a person named by the court" by *ibid.*

³ Sub-sections (2) and (3) were added by section 2 (2), *ibid.*

(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.

Central
Act V of
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 ¹ [State Government].

(2) Notwithstanding the provisions of section 22, the ¹ [State 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

² [(d) by committing the offender to the custody of any suitable person, whether a relative or not, who is willing to undertake the care of the offender; or]

² [(e)] by sending the offender to a junior certified school; or

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Clauses (d) to (j) were relettered as clauses (e) to (k) respectively and clause (d) was inserted by section 3 of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

- ¹ [(f)] by sending the offender to a senior certified school;
- or
- ¹ [(g)] by ordering the offender to be whipped; or
- ¹ [(h)] by ordering the offender to pay a fine; or
- ¹ [(i)] by ordering the parent or guardian of the offender to pay a fine; or
- ¹ [(j)] where the offender is a young person, by sentencing him to imprisonment; or
- ¹ [(k)] 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.

29. (1) In any area to which the ² [State Government] shall direct that this section shall apply, any person authorized in this behalf in accordance with rules made by the ² [State Government] may bring before a court any person apparently under the age of fourteen years who—

Children
liable to be
sent to
junior
certified
schools.

(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; ³ [or

(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;]

¹ Clauses (d) to (j) were relettered as clauses (e) to (k) respectively and clause (d) was inserted by section 3 of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The word 'or' and clause '(e)' were inserted by section 4 (1) of the Madras Children (Amendment) Act 1936 (Madras Act, I of 1937).

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 ¹ [State 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 :

² [Provided that a girl coming within the description mentioned in clause (e) of sub-section (1) may be committed to such custody until she attains the age of eighteen 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 ³ [or young person] proves to a court that he is unable to control the child ³ [or young person]; and that he desires the child ³ [or young person] to be sent to a ⁴ [. . .] certified school the court, if satisfied on inquiry that it is expedient so to deal with the child ³ [or young person] and that the parent or guardian understands the results which will follow, may ⁵ [order the child or young person to be sent to a junior or senior certified school, as the case may be.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The proviso was added by section 4 (2) of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

³ These words were inserted by section 5 (1) (i), *ibid*.

⁴ The word "junior" was omitted by section 5 (1) (ii), *ibid*.

⁵ These words were substituted for the words "order him to be sent to any such school" by section 5 (1) (iii), *ibid*.

¹[*Explanation.*—Where any young person is ordered to be sent to a certified school under this section the provisions of this Act shall, so far as may be, apply to him as if he were a youthful offender.]

PART V.

Maintenance and treatment of persons sent to certified schools or committed to suitable custody.

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.

Contribu-
tion
of parent.

(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.

Central
Act V of
1898.

(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.

Central
Act V of
1898.

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

Boarding
out of
children.

¹ This Explanation was added by section 5 (2) of the Madras Children (Amendment) Act, 1936 (Madras Act I of 1937).

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 ¹ [State 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 [Provided that the chief inspector may exercise the powers conferred on the managers of the school by this sub-section if, in his opinion, there will be delay in obtaining the orders of the managers and such delay will be prejudicial to the interests of the youthful offender or child concerned. A copy of every order made under this proviso shall be communicated forthwith to the ³ [State] Government and another copy shall be communicated as soon as may be to the managers of the school.]

(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.

Power to
order parent
to produce
youthful
offender or
child who
refuses to
return to a
school when
licence has
been
revoked.

(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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This proviso was added by section 2 of the Madras Children (Amendment) Act, 1939 (Madras Act XIV of 1939).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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.

Central
Act V of
1898.

(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 ¹[State 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 ¹[State Government] approves. Discharge and transfer.

²[(2) The ¹[State 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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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

(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 of guilty of a serious breach of the rules of the school or is 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 interests of discipline or for other special reasons.

Madras
Act V of
1926.

¹ [(2-A) The powers conferred on the ² [State] Government by clauses (a), (b), (c) and (d) of sub-section (2) may also be exercised by the chief inspector. A copy of every order passed by the chief inspector under this sub-section shall be communicated forthwith to the ² [State] Government with full information regarding the age of the youthful offender or child, the language spoken by him, and such other particulars relating to him as may be prescribed.]

(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.

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

¹ This sub-section was inserted by section 3 of the Madras Children (Amendment) Act, 1939 (Madras Act XIV of 1939).

² This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

¹ [35-A. (1) The ² [State] Government may, generally or specially, notify in the Official Gazette that any specified certified school situated in the ³ [State] of Madras shall be available for the reception of children, young persons and youthful offenders directed to be sent to a certified school, reformatory school, or other school of a like nature, by any Court or Magistrate in any other part of ⁴ [] India; and thereupon provision may be made for the removal of the children, young persons and youthful offenders concerned accordingly :

Transfers between certified schools and schools of like nature in different parts of India.

Provided that no notification shall be published under this sub-section without the consent of the ⁵ [] Government of the part of ⁴ [] India concerned.

(2) The ² [State] Government may direct any child, young person or youthful offender to be transferred from any certified school in the ³ [State] of Madras to any certified school, reformatory school, or other school of a like nature in any other part of ⁴ [] India :

Provided that no one shall be transferred under this sub-section without the consent of the ⁵ [] Government of the part of ⁴ [] India concerned.

(3) The ² [State] Government may consent to the transfer to a certified school under this Act, of a child, young person or youthful offender detained in any certified school, reformatory school, or other school of a like nature in any other part of ⁴ [] India and upon such transfer the provisions of this Act shall apply to such child, young person or youthful offender as if he had been originally ordered to be sent to a certified school under this Act].

PART VI.

Juvenile Courts.

36. (1) The ⁶ [State 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

Juvenile Courts.

¹ This section was inserted by section 4 of the Madras Children (Amendment) Act, 1939 (Madras Act XIV of 1939).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word was substituted for the word "Province" by *ibid*.

⁴ The word "British" was omitted by the Adaptation (Amendment) Order of 1950.

⁵ The word "State" which was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950 was omitted by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 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 deter-
mination 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 subsection (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.

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.

Removal of disqualification attaching to convictions of offences.

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.

Control of custodian over a child.

Central Act V of 1898.

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.

Bonds taken under the Act.

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

Appeals.

(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 by the High Court.

¹ [43. * * * * *].

44. (1) The ² [State Government] may make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

¹ This section was omitted by the Adaptation (Amendment) Order of 1950.

² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(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 ;

(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 ¹ [children or young persons] 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 ;

¹ These words were substituted for the words " a child or young person " by the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

(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.

¹ [(3)] All rules made under this section shall be published in the ²[Official Gazette] and, on such publication, they shall have the same effect as if enacted in this Act.

¹ Sub-section (3) was omitted and sub-section (4) was renumbered as sub-section (3) by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

² These words were substituted for the words "local official gazette" by the Adaptation Order of 1937.

THE MADRAS DISTRICT MUNICIPALITIES
1920.

PREAMBLE.

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[MADRAS ACT No. V OF 1920.]¹

[THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920]

(Received the assent of the Governor on the 5th May 1920, and that of the Governor-General on the 15th June 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 19th 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 of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras District Municipalities Act, 1920. Title and extent.

² [(2) It extends to the whole of the Presidency of Madras, except the City of Madras.]

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments.

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

³ [(1) 'Anglo-Indian' shall have the same meaning as in clause (2) of article 366 of the Constitution.] 'Anglo-Indian.'

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated 3rd November 1919, pages 168-170; for Report of Select Committee, see *Fort St. George Gazette*, Part IV, dated 10th February 1920, pages 87-97; for Proceedings in Council, see *ibid*, 1919, Part IV, dated 23rd December 1919, pages 1370-1378; *ibid*, Part IV, dated 6th January 1920, pages 2-11; *ibid*, Part IV, dated 11th May 1920, pages 491-526; *ibid*, Part IV, dated 18th May 1920, pages 528-606; *ibid*, 1920, Part IV dated 1st June 1920, pages 608-652; and *ibid*, Part IV, dated 8th June 1920, pages 654-690.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

² This sub-section was substituted for the original sub-section by section 3 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930)

³ Original clause (1) was renumbered as clause (1-B) and clauses (1) and (1-A) were inserted by section 4 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930); clause (1) was omitted and clause (1-A) was renumbered as clause (1) by section 3 (1) (i) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938) and for the clause as so renumbered the present clause was substituted by the Adaptation (Amendment) Order of 1950.

'Appoint.' ¹ [(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.

'Carriage.' ² [(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, 1914³.]

'Cart.' ² [(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, 1914.³]

'Casual vacancy.' (7) 'Casual vacancy' means a vacancy occurring otherwise than by efflux of time ⁴ [. . . .] and 'casual election' means an election held on the occurrence of a casual vacancy.

'Company.' ⁵ [(8) 'Company' means a company as defined in the Indian Companies Act, 1913,* or formed in pursuance of an Act of Parliament ⁶ (of the United Kingdom) 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.]

Central
Act VII
of 1913.

'Election authority.' ⁷ [(8-A) 'Election authority' means such authority not being the chairman or vice-chairman or a councillor as may be prescribed.]

¹ Clause (1) of the original section was renumbered as clause (1-B) by section 4 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These clauses were substituted for the original clauses by schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

³ Now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

⁴ 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).

⁵ This clause was substituted for the original clause by section 4 (iii), *ibid.*

⁶ These words were inserted by the Adaptation (Amendment) Order of 1950.

⁷ Clauses (8-A) and (8-B) were inserted by section 4 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

* See now the Companies Act, 1956 (Central Act I of 1956).

¹ [(8-B) 'European' means any person of European 'European.' descent who either was born in or has a domicile in the United Kingdom or in any British Possession or in any ² [part 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.]

³ [(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, night-soil, dung, dirt, 'Filth.' putrid and putrefying substances and all offensive matter.

(10) 'Hill station' means a place specified in Schedule II 'Hill-station.' and includes any other place which may be notified by the ⁴ [State Government] as a hill-station.

(11) 'Hut' means any buildings which is constructed 'Hut.' 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.

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

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

⁶ [(12-A) * * * * *]

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

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

(14) 'Nuisance' includes any act, omission, place or 'Nuisance.' 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.

¹ Clauses (8-A) and (8-B) were inserted by section 4 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

² These words were substituted for the words "State of India" by section 4 of 9 and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

³ This clause was substituted for clause (8-C) by section 2 of the Madras District Municipalities (Amendment) Act, 1935 (Madras Act XVIII of 1935).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This clause was inserted by section 4 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ Clause (12-A) was omitted by the Adaptation Order of 1937.

⁷ This clause was inserted by section 4 (vi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

- '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.'
'Owner.'
- ¹ [(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.]
- (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.
- 'Palanquin.' (18) 'Palanquin' includes tonjons, manchils and chaird carried by men by means of posts, but not slings or cots uses for the conveyance of children or aged or sick people.
- 'Prescribed.' (19) 'Prescribed' means prescribed by the ² [State Government] by rules made under this Act.
- 'Private street.' (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.
- 'Public street,' (21) 'Public street' means any street, road, square, court, alley, passage or riding-path ³ [over which the public have a right of way] whether a thoroughfare or not, and includes—
- (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, verandah, 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 ⁴ [the Government.]

¹ This clause was substituted for the original clause by section 4 (vii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words which occurred after the words "whether a thoroughfare or not" were placed before those words by section 4 (viii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(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— 'Recon-
struction.'

(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 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 factory as the case may be.

(2) '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.

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

(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. 'Salary.'

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

‘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.

‘Scheduled Castes.’ ¹ [(28-A) ‘Schedule Castes’ shall have the same meaning as in clause (24) of article 366 of the Constitution, but until the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made in pursuance of the Constitution have been finally published, shall have the same meaning as in the Government of India (Scheduled Castes), Order, 1936].

‘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[State 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

(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.⁴ [. . . .].

¹ This clause was substituted by the Adaptation (Amendment) Order of 1950 for original clause (28-A) which was inserted by section 3 (1) (ii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ These words were substituted for the words “his intention” in the original sub-section by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ The words “without the sanction of the Governor-General in Council previously obtained” were omitted by the Adaptation Order of 1937.

(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 [State Government] within six weeks from the publication of the notification and the ¹ [State Government] shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and the ¹ [State 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, 1920⁵, is in force is constituted as or included in a municipality, the ¹ [State 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 board⁶ in the local area and as to the discharge of the liabilities, if any, of such local board⁶ relating to such assets or institutions.]

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

Abolition of municipalities.

Provided as follows :—

(a) the ¹ [State Government] shall, before ⁷ [they issue] such notification, communicate to the municipal council the

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "has considered" in the original sub-section (3) by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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

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

⁵ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

⁶ Now district board.

⁷ These words were substituted for the words "he issues" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

grounds on which ¹ [they propose] to do so, fix a reasonable period for the 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 ² [State Government]'s reasons and shall be laid ³ [before both ⁴ (Houses) of the ⁵ (State) Legislature].

(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; ⁶ [the balance of the municipal fund and all other property vested in the municipal council and all its liabilities shall stand transferred to the ⁵ (State) Government or to such local or other authority or to such officer or other person as they, by order, direct].

⁷ [(3) * * * * *]

CHAPTER III.—CONSTITUTION OF MUNICIPAL AUTHORITIES.

Authorities.

6. ⁸ [(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.]

The municipal authorities and their incorporation.

¹ These words were substituted for the words "he proposes" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937.

⁴ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order, 1950.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "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 the Provincial Government" by section 2 of the Madras Municipal and Local Boards (Amendment) Act, 1947 (Madras Act XXIV of 1947), which is deemed to have come into force on the 29th day of June 1920.

⁷ This sub-section was omitted by the Adaptation Order of 1937.

⁸ 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).

(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.

7. (1) ¹[The municipal council] shall consist of such number of councillors as may be notified by the ² [State 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

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

(3) In any municipality, the ² (State Government) may ⁴(.), by notification, from time to time, reserve seats for

⁵ [(a)] ⁶ (Members of the scheduled castes),

⁵ [(b)] Anglo-Indians, or

⁵ [(c)] Women

and determine the number of such seats :

¹ These words were substituted by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1950 (Madras Act XXIII of 1950, for the words, brackets, figure and letter "Subject to the provisions of sub-section (3-B) the municipal council" as substituted for the original words "The municipal council" by section 2 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These sub-sections were substituted for the original sub-sections (2) and (3) by section 6 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ The words "in their discretion" were omitted by the Adaptation Order of 1937.

⁵ The original clauses (a), (b) and (d) were omitted and the original clause (c), (e) and (f) were re-lettered as clauses (a), (b) and (c) respectively by section 2(ii) of the Madras District Municipalities (Amendment) Act, 1950 (Madras Act XXIII of 1950).

⁶ These words were substituted for the word "Adi-Dravidas" by section 3 (2) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

¹ [* * * * *]

Provided ² (...) that no seat shall be reserved for any of the communities mentioned in ³ [clauses (a) and (b)] if at the last census such community constituted more than one-half of the total population of the municipality.

⁴ [(3-A) The total number of seats reserved under sub-section (3) shall not exceed one-fourth of the strength of the municipal council as notified under sub-section (1).]

⁵ [(3-B) * * * * *]

(4) In reserving seats for the communities mentioned in ⁶ [clauses (a) and (b)] of sub-section (3) the ⁷ (State Government) shall have due regard to their number and importance.

(5) Nothing contained in ⁸ [this section] 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.]

Term of
councillors
and filling
up of seats.

8. (1) The term of office of ⁹ [. . . .] councillors shall, save as otherwise expressly provided ¹⁰ [in this Act], be three years beginning and expiring at noon on the first day of November.

¹ The original first proviso was omitted by section 2 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

² The word "further" was omitted by *ibid.*

³ These words, brackets and letters were substituted for the words, brackets and letters "clauses (a) to (e)" by section 2 (ii) of the Madras District Municipalities (Amendment) Act, 1950 (Madras Act XXIII of 1950.)

⁴ This sub-section was inserted by section 2 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

⁵ Sub-section (3-B) which was inserted by section 2 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947) was omitted by section 2 (iii) of the Madras District Municipalities (Amendment) Act, 1950 (Madras Act XXIII of 1950).

⁶ These words, brackets and letters were substituted for the words, brackets and letters "clauses (a) to (e)" by section 2 (iv), *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ These words were substituted for the word, brackets and figure "sub-section (3)" by section 2 (iv) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

⁹ 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) ¹ [Ordinary vacancies] in the office of ² [a councillor] shall be filled at ordinary elections which shall be fixed by the ³ [election authority] to take place on such ⁴ [day or] days in the months of August and September next preceding the vacancies as he thinks fit :

⁵ [Provided that the ⁶ (State Government) may, for sufficient cause, direct or permit the holding of any ordinary election after the end of September.]

⁷ [Provided further that the ⁸ (State) Government may, for sufficient reasons, direct from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof, and the election authority shall give effect to such direction.]

⁹ [(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.]

¹⁰ [(4) A casual vacancy in the office of ¹¹ [a councillor] shall be filled at a casual election which shall be fixed by the ¹² [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.

¹ These words were substituted for the words "Vacancies arising by efflux of time" in the original sub-section (2) by section 7 (ii) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words were substituted for the words "an elected councillor" in the original sub-section (2) by *ibid.*

³ These words were substituted for the word "chairman" by section 7 (ii) (b), *ibid.*

⁴ These words were inserted by section 7 (ii) (c), *ibid.*

⁵ This proviso was added by section 7 (iii), *ibid.*

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ This proviso was added by section 2 (v) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

⁸ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁹ This sub-section was inserted by section 7 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹⁰ Sub-sections (3) and (4) were renumbered as sub-sections (4) and (5) respectively by section 7 (v), *ibid.*

¹¹ These words were substituted for the words "an elected councillor" by *ibid.*

¹² These words were substituted for the word "chairman" by *ibid.*

¹ [(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.

² [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.

(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.]

³ [10. * * * * *]

⁴ [11. * * * * *]

The chairman and vice-chairman of the municipality.

⁵ [12. (1, Every council shall elect one of its members to be its chairman.

⁶ [(2) * * * * *]

(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

¹ Sub-sections (3) and (4) were renumbered as sub-sections (4) and (5) respectively by section 7 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This section was substituted for the original section by section 8, *ibid.*

³ This section was omitted by section 9, *ibid.*

⁴ This section was omitted by section 4 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁵ 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).

⁶ This sub-section was omitted by section 5 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

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 there under, be ex-officio and chairman of the member council.

(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.]

¹ [12-A. If at an election held under section 12 no chairman or vice-chairman is elected, a fresh election shall be held.]

Procedure when no chairman or vice-chairman is elected.

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.]

Chairman, vice-chairman councillor not to receive remuneration.

³ [12-C. (1) A Commissioner shall be appointed by the State Government in the case of each municipality included in Schedule IX and in the case of any other municipality notified by the State Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor.

Commissioners

(2) The Commissioner shall be a wholetime officer of the municipality and shall not undertake any work unconnected with his office without the sanction of the municipal council and the State Government.

(3) The State Government may recover from the municipal council concerned the whole of the salary and allowances paid to any Commissioner appointed under sub-section (1), and such contribution towards his leave allowances, pen-

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 Section 12-B was inserted by section 6 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

³ This section was substituted for section 12-C (which was inserted by section 6, *ibid*) by section 2 of the Madras District Municipalities (Second Amendment) Act, 1955 (Madras Act XXXI of 1955).

sion and provident fund as the State Government may, by general or special order, determine.

(4) The State Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Commissioners appointed under sub-section (1).]

Functions of the several authorities.

¹ [The chairman and the executive authority.]

Functions
of the
chairman.

¹ [13. The chairman of the municipal council shall—

(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.]

Functions
of the
executive
authority.

¹ [13-A. The executive authority of the municipal council shall—

(a) carry into effect the resolutions of the council;

(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
commis-
sioner 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 ² [State Government] shall be conducted except through the chairman. The chairman shall be bound to transmit communications addressed through him by the commissioner to the ² [State Government] ² [State Government] to the commissioner.]

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹ [14. The chairman shall by virtue of his office be a member of every committee of the council.]

The chairman to be member of every committee of the council.

15. The ² [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:

Emergency powers of executive authority.

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.

³ [16. The executive authority may, without the sanction to the council, incur petty contingent expenditure incidental of the municipal administration, not exceeding ⁴ [fifty rupees] in each case:

Power of executive authority to incur petty contingent expenditure.

Provided that—

(a) provision to meet the expenditure is available under the relevant head of account in the budget framed by the council, with the modifications, if any, made therein by the ⁵ [State] Government; and

(b) the executive authority shall report any expenditure incurred under this section and the reasons therefor to the council at its next meeting.]

⁶ [17. * * * * *]

¹ Sub-section (a) of the original section 14 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).

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 3 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the words "twenty-five rupees" by the Madras Re-enacting (No. III) Act 1948 (Madras Act IX of 1948).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ This section was omitted by section 15 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Delegation and devolution of functions of chairman.

¹ [18. (1) The chairman may by an order in writing, delegate ² [any of his functions including his functions as executive authority if he is also the executive authority] to the vice-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, ³ [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 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-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 ⁴ [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 ;

(ii) no delegation under this sub-section shall, without the special sanction of the council, be made for any period exceeding in the aggregate ⁵ [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.

¹ This section was substituted for the original section by section 16 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² 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).

³ These words were substituted for the words "his functions except those of" by *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 "ninety days in any year in the case of any unpaid chairman and fifteen days in the case of a paid chairman" by *ibid.*

(4) Subject to any restrictions that the council may impose, ¹[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 ²[servant of the 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).]

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.

Rights and duties of the commissioner.

(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 ⁴[State 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 ⁵[servant of the 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.

19. Subject to the provisions of this Act the municipal administration shall vest in the council, but the council shall not be entitled to exercise functions expressly assigned by or

Functions of the council.

¹ These words were substituted for the words "the chairman may by an order in writing" by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

² The words "servant of the Crown" were substituted for the words "officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

³ This section was inserted by section 9 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ The words "servant of the Crown" were substituted for the words "officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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 ⁴[executive authority] to produce any ⁵[.] document which is in his custody.

The ⁴[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 of the executive authority to carry out council's resolutions.

22. The ⁴[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.

⁶[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.]

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 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 "record, plan, correspondence or other" were omitted by section 18 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ This section was substituted for the original section by section 19 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

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 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 member of such committee. All the provisions of this Act relating to the duties, powers, liabilities and disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of ²[residence], be applicable, so far as may be, to such persons.

Appoint-
ment of spe-
cial com-
mittees.

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[State Government] in regard to the following matters :—

Rules and
regulations
for proceed-
ings of
council.

(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 ⁸[a servant of the Government]; or

(ii) to a committee constituted under clause (e) or to its chairman or to any one or more of its members];

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.*

³ The word "supplementary" was omitted by section 21 (i), *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This clause was substituted for the original clause by section 21 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ This clause was substituted for the original clause by section 21 (iii), *ibid.*

⁷ This was inserted as clause (f) by section 21 (iv), *ibid.*

⁸ The words "a servant of the Crown" were substituted for the words "an officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

¹ [(g)] the persons by whom receipts may be granted for money paid to the council; and

¹ [(h)] all other similar matters.

Appoint-
ment of joint
committee.

² [26. (1) A council may, and if so required by the ³ State 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 :

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.

¹ The original clauses (f) and (g) were relettered as clauses (g) and (h) by section 21 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This section was substituted for the original section by section 22, *ibid.*

³ The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(6) If the ¹(State 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 ¹(State Government) whose decision shall be final].

² [(8) The powers of the ³(State) Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.]

27. All elections ⁴[. . .] of chairman, vice-chairman and members of municipal councils shall be notified in the ⁵[Official Gazette]. Notification of election.

28. ⁶ [(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]. Presidency of council.

(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, ⁷ [and during the period that he presides over it], have all the powers of the chairman.

⁸ [29. * * * * *]

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 Councillor when to abstain from taking part in discussion and voting.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was inserted by the Adaptation Order of 1937.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ The words "and appointments" were omitted by section 23 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

⁶ This sub-section was substituted for the original sub-section by section 24 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁷ These words were inserted by section 24 (ii), *ibid*.

⁸ This section was omitted by section 25, *ibid*.

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 ¹[such councillor] to have such interest, or he may require ¹[such councillor] to absent himself during the discussion.

(3) ¹[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.

²[(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.

Power of chairman, vice-chairman or councillor to resign.

31. Any councillor other than the chairman ³[and any vice-chairman] may resign his office by giving notice to the chairman; the chairman may resign by giving notice to the council. ⁴[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.

⁵[**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.]

¹ These words were substituted for the words “ such person ” by section 26 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This sub-section was inserted by section 26 (ii), *ibid.*

³ These words were inserted by section 27 (i), *ibid.*

⁴ This sentence was added by section 27 (ii), *ibid.*

⁵ This section was substituted for the original section by section 28, *ibid.*

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 ¹[State Government] the municipal council shall submit to the ¹[State Government] through the district collector a report on the administration during the preceding year in such form and with such details as the ¹[State 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 ¹[State Government] ²[fix] to offer or make such explanations or observations as the council thinks fit.

Annual administration report.

(2) The ³[executive authority] shall prepare the report; the municipal council shall consider his report and forward it to the ¹[State Government] with its resolutions thereon, if any.

(3) The report ⁴[and the resolutions thereon, if any], shall be published in such manner as the council, subject to the approval of the ¹[State Government] may direct.

Controlling authorities.

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.

Power of State Government and collector for purposes of control.

(2) The ¹[State Government] or the district collector may—

(a) call for any ⁵[. . .] document in the possession or under the control of any ⁶[council or ³(executive authority)];

(b) require any council ⁷[or ³(executive authority)] to furnish any return, plan, estimate, statement, account or statistics;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This word was substituted for the word "fixes" by the Schedule to 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 XIV of 1933).

⁴ These words were inserted by section 29 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "records, correspondence, plan or other" in the original clause were omitted by section 30 (i), *ibid.*

⁶ The words "council or chairman" were substituted for the words "municipal council" by *ibid.*

⁷ The words "or chairman" were inserted by section 30 (ii), *ibid.*

(c) require any council ¹[or ²(executive authority)] to furnish ³[any] information or report on any municipal matter;

(d) record in writing, for the consideration of the council ⁴[or ²(executive authority)] any observations ⁵[they or he may] think proper in regard to its ⁶[or his] proceedings or duties.

Collector's power to enforce execution of resolutions.

35. If it appears to the district collector that the ²[executive authority] of a municipality has made default in carrying out any resolution of the council, the said collector, after giving the ²[executive authority] a reasonable opportunity of explanation, if any, of the ²[executive authority] to the ⁷[State Government] and at the same time forward a copy of the same to the council.

Power to suspend or cancel resolutions etc., under Act.

⁸[36. (1) The ⁷(State 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

(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:

¹ The words "or chairman" were inserted by section 30 (iii), 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 The word "any" was inserted by *ibid.*

⁴ The words "or chairman" were inserted by section 30 (iv) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

⁵ These words were substituted for the words "he may" by section 30 (iv) (b), *ibid.*

⁶ These words were inserted by section 30 (iv) (c), *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ This section was substituted for the original section by section 31 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Provided that the ¹ (State 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 [Provided further that nothing in this sub-section shall enable the ³ [State] Government to set aside any election which has been held.]

(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 ¹ [State 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.]

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 ⁴ [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.

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the ¹ [State 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.

Emergency powers of collectors.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This proviso was added by section 4 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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).

State Government's power to appoint officers to supervise municipalities.

38. (1) The ¹ [State Government] may appoint such officers as may be required for the purpose 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 [State Government] may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers ³ [. . .] appointed under this section such access at all reasonable times to municipal property or premises, and to all ⁴ [. . .] 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.

Control over municipal electrical undertakings.

⁵ [38-A. The administration by a municipal council of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, as in force for the time being, the rules made under that Act, and terms of the licence granted under it to the municipal council]

Central Act IX of 1910.

State 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 [State Government] that a municipal council, ⁶ [chairman or executive authority] has made default in performing any duty imposed by or under this or any other Act, ⁷ [they may], by order in writing, fix a period for the performance of such duty.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "registers, books, accounts and other" were omitted by section 32 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ The words "of Government" were omitted by the Adaptation Order of 1937.

⁴ The words "records, accounts and other" were omitted by section 32 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ This section was inserted by section 2 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁶ 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).

⁷ 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).

(2) If such duty is not performed within the period so fixed, the ¹[State Government] may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time, ²[as they may fix], to such person by the municipal council.

(3) The ¹[State 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[State Government] ³[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[State 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.

⁴[40. (1) The ¹[State 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.

State Government to remove chairman or vice-chairman.

(2) The ¹[State 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 ¹[State Government] for the action taken.]

⁵[(3) Any person removed under sub-section (1) from the office of chairman or from the office of vice-chairman shall not be eligible for election to either of the said offices until the date

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "as he may fix" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were substituted for the words "has directed" by *ibid.*

⁴ Sections 40 and 40-A were substituted for the original section 40 by section 33, *ibid.*

⁵ This sub-section was added by section 2 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XI of 1939).

on which notice of the next ordinary elections to the municipal council is published in the prescribed manner, or the expiry of six months from the date of the removal, whichever is earlier.]

Motion of
no-confi-
dence in
chairman or
vice-chair-
man.

¹[**2(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 ² [State 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 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

¹ Sections 40 and 40-A were substituted for the original section 40 by section 33 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This section was substituted for section 40-A by section 2 of the Madras District Municipalities (Second Amendment) Act, 1933 (Madras Act IV of 1933).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹ (State Government).

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the council, the ¹ (State 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.]]

41. (1) If in ²[their 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

State Government's power to dissolve or supersede council.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "his opinion" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

¹ (State Government) may by notification direct that the council be ² [dissolved and reconstituted on such dates as the ¹ (State Government) may fix in that behalf]; or ³ (they may, if they think) necessary, supersede the council for a specified period not exceeding two years and the notification shall be laid ⁴ [before both ⁵ (Houses) of the ⁶ (State) Legislature]:

Provided as follows :—

⁷ [(a) for the purpose of completing the elections to a council which has been dissolved the ¹ (State Government) may, ⁸ (. . .) from time to time, extend the time fixed by them under this sub-section for its reconstitution;]

(b) the ¹ [State Government] shall not supersede a portion only of the municipal council.

⁹ [(1-A) Before publishing a notification under sub-section (1) the ¹ (State 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 ¹ (State Government) shall not be bound to follow the procedure laid down in this sub-section.]

¹⁰ [(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

¹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

² These words were substituted for the words " dissolved and re-constituted immediately " by section 34 (i) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were substituted for the words " he may, if he thinks " by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

⁴ These words were substituted for the words " on the table of the Legislative Council " by the Adaptation Order of 1937.

⁵ This word was substituted for the word " Chambers " by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

⁷ This proviso was substituted for the original proviso (a) by section 34 (i) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁸ The words " in their discretion " were omitted by the Adaptation Order of 1937.

⁹ This sub-section was inserted by section 34 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹⁰ This sub-section was substituted for the original sub-section by section 34 (iii), *ibid.*

their offices and fresh elections shall be held in accordance 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, its 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 [State Government] may determine, by such persons as the ³ [State Government] ⁴ [appoint] in that behalf and any such person who is not a district collector or revenue divisional officer may, if the ³ [State Government] ⁵ [so direct], receive, payment for his services from the municipal fund ; the ³ [State 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 [State Government] may direct him to exercise and perform any powers and duties of the council in addition to his own.

⁸ [(c) * * * * *]

(4) On or before the expiry of the period of supersession notified under sub-section (1), the ³ [State Government] may, by notification, for reasons to be stated in the notification, postpone the reconstitution of the council for a further period not exceeding six months, or notwithstanding anything

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This word was substituted for the word "appoints" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ These words were substituted for the words "so directs" by *ibid.*

⁶ These words were substituted for the words "with himself" by *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 was omitted by section 34 (iv) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 [State 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 ² (State 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 [State 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 has 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 ² (State 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.

¹ This expression was substituted for the expression "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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This expression was added by section 34 (vi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 original section 43 by section 36, *ibid.*

(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 ¹ (State Government). ² (Each of the other wards shall return such number of members (whether one or more) as may be notified by the ³ [State] Government.)

(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 ¹ (State 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 ¹ (State 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.]

⁴ [44. (1) Every person ⁵ (whose name is included in such part of the electoral roll for any Assembly constituency as relates to the municipality or any portion thereof), shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Qualifications for inclusion in electoral roll for municipality and publication thereof.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sentence was substituted for the original sentence by section 3 (i) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This section was substituted for sections 44 and 45 by section 3 (3) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁵ These words were substituted for the words, "whose name is included or who is qualified to be included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to the municipality or any portion thereof," by section 2 (i) (a) (i) of the Madras District Municipalities, District Boards and Village Panachayats (Amendment) Act, 1951 (Madras Act XXIV of 1951). (Section 1 of Madras Act XXIV of 1951 came into force on the 25th September 1951. All the other sections of the Act came into force on the 24th December 1951).

Explanation (1).—Where ¹ [in the case of any Assembly constituency there is no distinct part of the electoral roll relating to the municipality all persons whose names are entered] in such roll under the registration area comprising the municipality and whose addresses ² (as entered in such roll) are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for the municipality in more than one place.

³ [(2) As soon as may be, after the electoral rolls for the Assembly constituencies which consist of, or comprise, the municipality or any portion thereof, have been published, revised or amended in pursuance of the Representation of the People Act, 1950, any person authorized by the election authority in this behalf shall publish in such manner as the State Government may direct, the portions of the said rolls which relate to the municipality or of the alterations therein, as the electoral roll for the municipality or as alterations to such roll, as the case may be.]

Central
Act
XLIII of
1950.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered, ⁴ [for the limits of the municipality are varied] the election authority shall, as soon as may be after such division or alteration, ⁴ [or variation], as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, ⁴ [or to the variation] of the limits as the case may be, authorize a re-arrangement and republication of the electoral roll for the municipality or any part of such roll, in such manner as the ⁵ [State] Government may direct.

¹ These words were substituted for the words "in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to the municipality, the names of all persons who are entered or who are qualified to be included," by section 2 (i) (a) (ii) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951). (See Foot Note 5 under section 44).

² These words were inserted by section 2 (i) (a) (ii), *ibid*.

³ This sub-section was substituted by section 2 (i) (b), *ibid* for sub-section (2) as substituted by section 2 (vi) (b) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

⁴ These words were inserted by section 2 (i) (c), *ibid*.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2).

(6) Every person whose name appears in the electoral roll for the municipality, as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election ; and no person whose name does not appear in such roll shall vote at an election.

¹ (*Explanation.*—In this section and section 45, the expression “Assembly constituency” shall mean a constituency provided by order made under section 9 of the Representation of the People Act, 1950*, for the purpose of elections to the Madras Legislative Assembly.)]

Central Act XLIII of 1950.

² [45. Notwithstanding anything contained in section 44, the election authority may, after making such inquiry as he thinks fit, publish in such manner as the State Government may direct, amendments to the electoral roll for any municipality for the purposes of bringing it into accord with the electoral roll for the relevant Assembly constituency.]

Power to correct electoral roll.

³ [46. * * * * *]

⁴ [47. Notwithstanding anything contained in ⁵ [sub-section (6)] 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.

¹ This Explanation was substituted for the original Explanation by section 2 (i) (d) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951). Section 1 of Madras Act XXIV of 1951 came into force on the 25th September 1951. All the other sections came into force on the 24th December 1951.

² This section was substituted by section 2 (2), *ibid* for section 45 inserted by the Adaptation (Amendment) Order of 1950.

³ This section was omitted by section 38 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This section was substituted for the original section 47 by section 39, *ibid*.

⁵ This expression was substituted for the expression “sub-section (5)” by section 3 (4) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

* See now the Delimitation Commission Act, 1952 (Central Act LXXXI of 1952).

Qualifications for membership of council.

Qualifica-
tion of
candidates.

48. (1) No person shall be qualified for election as a councillor unless ¹ [.] the name of such person appears on the electoral roll of the municipality ¹ [. . .].

² [(2) No officer of Government other than a village officer shall be qualified for election or for holding office as a councillor :

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 ³ (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 ⁴ (State Government) whose decision shall be final.]

Disqualifica-
tion 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 ⁵ [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 ⁶ [. . .] 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 ⁷ [election] as a councillor if such person is at the date of ⁸ [nomination or election]—

⁹ [(a) of unsound mind, a deaf-mute or a leper ;

¹ The letter and brackets “(a)” at the commencement, the word “and” at the end and clause (b) were omitted by section 40 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This sub-section was substituted for sub-section (2) by section 40, *ibid.*

³ The words “servant of the Crown” were substituted for the words “servant of the Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

⁴ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

⁵ These words were inserted by section 41 (i) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ The words “or appointment” were omitted by section 41 (i) (b), *ibid.*

⁷ This word was substituted for the words “election or appointment” by section 41 (ii) (a), *ibid.*

⁸ These words were substituted for the words “nomination, election or appointment” by *ibid.*

⁹ The original clauses (i) to (vi) were lettered as (a) to (f) respectively by section 41 (ii) (b), *ibid.*

¹ [(b)] ² [an applicant to be adjudicated a bankrupt or insolvent or] an uncertificated bankrupt or undischarged insolvent ;

¹ [(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 ³ [a company :]

⁴ [Provided that a person shall not be deemed to have any interest in ⁵ [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

(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 ;]

⁶ [(c) employed as paid legal practitioner on behalf of the council or as legal practitioner against the council ;]

¹ [(d)] an officer or servant holding office under this Act ; or an honorary magistrate for the municipal town ;

¹ [(e)] already a councillor whose term of office as such will not expire before his fresh election ⁷ [. . .] can take effect ; ⁸ [or has already been elected a councillor whose term of office has not yet commenced ;] ⁹ []

¹ The original clauses (i) to (vi) were lettered as (a) to (f) respectively by section 41 (ii) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words were added by section 41 (ii) (c), *ibid.*

³ These words were substituted for the words "an incorporated company" by section 41 (ii) (d), *ibid.*

⁴ The proviso was inserted as a proviso to clause (c) by section 41 (ii) (e), *ibid.*

⁵ These words were substituted for the words "such a contract or work as aforesaid" by *ibid.*

⁶ This clause was inserted by section 41 (ii) (f), *ibid.*

⁷ The words "or appointment" were omitted by section 41 (ii) (g), *ibid.*

⁸ These words were inserted by *ibid.*

⁹ The word "or" was omitted by section 2 (i) (a) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VI of 1948).

¹ [(f)] ² [the servant or employer or the official subordinate or official superior of a councillor holding office on the said date;] ³ [or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the municipality up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time if any specified therein for payment has expired.]

(3) Notwithstanding anything contained in sub-section (1), the ⁴ [State Government] may direct that such sentence shall not operate as a disqualification.

⁵ [(4) * * * * *]

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 ⁶ [criminal] court to such punishment ⁷ [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 ⁸ [clause (c) of sub-section (2) of section 49], acquires any interest in any subsisting contract made with, or work being done, for the council except as a shareholder (other than a director) in ⁹ [a company ;]

¹ Original clauses (i) to (vi) were lettered as (a) to (f) respectively by section 41 (ii) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This clause was substituted for clause (vi) re-lettered as clause (f) by section 41 (ii) (h), *ibid.*

³ The word "or" and clause (g) were added by section 2 (i) (b) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This sub-section was omitted by section 41 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ This word was inserted by section 42 (i) (a), *ibid.*

⁷ These words were inserted by *ibid.*

⁸ This expression was substituted for the expression "section 49, sub-section (2)" by section 42 (i) (b), *ibid.*

⁹ 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 *ibid.*

¹ [(*dd*) is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council;]

² [(*e*) is appointed as an officer or servant under this Act or as an honorary magistrate for the municipal town;]

(*f*) accepts employment under ³ [or becomes the official subordinate of] any other councillor;

⁴ [(*g*) * * * * *]

(*h*) ceases to reside in the municipality or within two miles thereof; ⁵ [.]

⁶ [(*hh*) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the municipality, within three months after a bill or notice has been served upon him under this Act, or where in the case of any arrear this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority to serve at the earliest possible date) has been duly served upon him by the executive authority; or]

⁷ [(*i*) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of 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) of 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.]

¹ This clause was inserted by section 42 (1) (c) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This clause was substituted for the original clause by section 42 (1) (d), *ibid.*

³ These words were inserted by section 42 (1) (e), *ibid.*

⁴ This clause was omitted by section 42 (1) (j), *ibid.*

⁵ The word " or " was omitted by section 2 (ii) (a) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

⁶ This clause was inserted by section 2 (ii) (b), *ibid.*

⁷ This clause and *Explanation* were substituted for clause (i) and the *Explanation* thereto by section 2 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

(2) Notwithstanding anything contained in clause (a) of sub-section (1) the ¹ [State Government] may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be a councillor under ² [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 ³ [.] 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 ¹ [State 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 of 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This expression was 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).

³ The words "or appointed" were omitted by section 42 (ii) (b), *ibid.*

⁴ These words were inserted by section 42 (ii) (c), *ibid.*

⁵ This sub-section was substituted for the original sub-section 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.*

he has become disqualified for office, ¹ [under section 50 or section 60], such councillor or any other councillor may, and the ² [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 is disqualified under ³ [sub-section (1) of section 48, section 49, section 50 or section 60], and his decision shall be final.

⁴ [(3) Pending such decision, the councillor shall be entitled to act as if he were not disqualified.]

Election offences.

⁵ [52 to 55. * * * *]

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.

Infringement of secrecy of election.

⁵ [57 to 59. * * * *]

⁶ [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.]

Disqualification of persons convicted of election offences.

Central Act XLV of 1860.

¹ These words and figures were inserted by section 43 (i) (c) 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 (i) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

³ 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).

⁴ This sub-section was substituted for the original sub-section by section 43 (iii), *ibid.*

⁵ These sections were omitted by section 44, *ibid.*

⁶ This section was substituted for the original section by section 45, *ibid.*

CHAPTER V.—POWERS OF MUNICIPAL AUTHORITIES IN
RESPECT OF ¹ [PROPERTY, CONTRACTS AND ESTA-
BLISHMENT.]

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 ² [works], materials and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts, whether made 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 municipal council.

(2) The ³ [State Government] may by notification withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the council.

Duty of municipal council in respect of public streets withdrawn from its control.

⁴ [61-A. Where any public street has been withdrawn from the control of a municipal council under sub-section (2) of section 61 and placed under the control of the Highways Department of the ⁵ [State] Government, it shall be the duty of the municipal council to provide at the cost of the municipal fund, to such extent as the ⁵ [State] Government may by general or special order direct,—

⁶ [(a) for the lighting, watering, scavenging, and drainage of such street] ;

(b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside or under such street ;

(c) for the provision, maintenance and repair of footways attached to such street :

¹ These words were substituted for the words "Property, Contracts, Establishment" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

² This word was substituted for the word "erections" by section 46 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This section was inserted by section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1946 (Madras Act VII of 1946), which came into force on the 23rd March 1946 and which was re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ This clause was substituted for the original clause by the Schedule to the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

Provided that where in the discharge of such duties, it is necessary for the council to open and break up the soil or pavement of any such street, the council shall obtain the previous consent of such officer of the Highways Department as the ¹[State] Government may by general or special order specify:

Provided further that in cases of emergency, the council may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso.]

62. All rubbish and filth and other matter collected by a municipal council under this Act shall belong to the council.

Collected
sewage, etc.,
to belong to
municipal
council.

63. ² [(1)] Subject to the control of the ³ [State Government] the Board of Revenue may by notification, ⁴ [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, 1817⁵; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to ⁶[the council] as if it had been specially named in the said regulation, and the council shall manage ⁷ [and superintend] such endowment.

Power of
Board of
Revenue to
transfer
control of
endowments
to municipal
council.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² The original section 63 was re-numbered as 63 (1) by section 5 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "with the consent of the municipal council make over to a municipal council" by section 47 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ This Regulation has been repealed in its application to Hindu religious institutions and endowments by section 5 (3) of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951).

⁶ These words were substituted for the words "such council" by section 47 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁷ These words were inserted by section 47 (ii), *ibid.*

¹[(2) The Board of Revenue may of its own motion and shall on a direction from the ²[State] Government, by notification, resume the management and superintendence of any endowment made over to a municipal council under sub-section (1) ; and upon such resumption, all the powers and duties attaching to the council in respect of the endowment shall cease and determine.]

Inventory of municipal property.

64. (1) The ³[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 ⁴[any purpose] to which the municipal fund may be applied.

Objects not provided for by this Act.

66. The ⁵[State Government] may, ⁶[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 ⁷[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 ⁵[State Government].

¹ This sub-section was added by section 5 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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 word "purposes" by section 48 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "with the consent of the council of any municipality, transfer to any municipal council" by section 49 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁷ These words were substituted for the words "lawful for such council to undertake the management of the institution or the execution of the work" by *ibid.*

Central
Act I of
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.

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

Contracts.

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 ¹ [one thousand rupees]:

Delegation of authority to contract and contractual powers of persons appointed by Government.

² [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 ¹ [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 ³ [State Government] to carry any work into execution on behalf of a municipal council may, subject to such control as the ³ [State 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.

¹ These words were substituted for the expression "Rs. 500" by section 50 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This proviso was added by section 10 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Rules regarding the conditions on which contracts may be made.

¹ [68-A. The power conferred by section 68 to make or sanction contracts shall be subject to such rules as may be prescribed in regard to the conditions on which, and the mode in which, contracts may be made or sanctioned by or on behalf of municipal councils.]

Mode of executing contracts.

69. (1) Every contract made by, or on behalf of, a 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 ⁴ [in conformity with the provisions of this section, of section 68, and of the rules referred to in section 68-A] shall not be binding on the municipal council.

Establishment.

Establishment of municipal council.

⁵ [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 into consideration by the council only at the instance of the ⁶ (executive authority) and the council may sanction them with or without modifications :

¹ This section was inserted by section 2 of the Madras District Municipalities (Amendment) Act, 1941 (Madras Act X of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

² These words were substituted for the expression "Rs. 100" by section 51 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ This proviso was added by section 11 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁴ This expression was substituted for the words "in conformity with the provisions of this and the last preceding section" by section 3 of the Madras District Municipalities (Amendment) Act, 1941 (Madras Act X of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

⁵ This section was substituted for the original section by section 52 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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).

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.]

¹ [(3) Notwithstanding anything contained in sub-sections (1) and (2), the ² (State 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 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 ² (State Government).]

³ [71. (1) ⁴ [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. The secretary, the health officer and the engineer.

(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 ² (State Government), sanction a post of health officer and a post of municipal engineer.

⁵ [(2-A) Any municipal council which has undertaken the generation, transmission, or supply of electrical energy,

¹ This sub-section was added by section 3 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This section was substituted for the original section by section 53 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act IX of 1930).

⁴ These words were substituted for the words "If, in any municipality, there is salary attached to the office of chairman" by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁵ This sub-section was inserted by section 2 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

by special resolution may, and if so required by the ¹(State) Government shall, sanction a post of municipal electrical engineer. ² (Any such municipal council, if so required by the ¹ (State) Government, shall also sanction by special resolution, one or more posts of assistant municipal electrical engineer.]

(3) The salaries of these officers shall be fixed by the municipal council subject to the approval of the ³[State Government].

(4) Every secretary, health officer ⁴[engineer, electrical engineer or assistant electrical 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
appoint-
ment of
health
officer,
engineer or
electrical
engineer.

72. (1) On the occurrence of a vacancy in, or after the creation of, an office of health officer, ⁵[engineer, electrical engineer, or assistant electrical engineer] an appointment shall be made thereto by the council subject to the approval of the ³[State 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[State Government] within thirty days of the date of the receipt by the council of the orders of the ³[State Government].

(2) In default of an appointment being made by the council as aforesaid, the ³[State 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.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This sentence was added by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1945 (Madras Act XXIII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted by section 2 (ii) of the Madras District Municipalities (Amendment) Act, 1945 (Madras Act XXIII of 1945), reenacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948) for the words "engineer or electrical engineer" as substituted for the words "or engineer" by section 2 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁵ These words were substituted by section 3 *ibid*, for the words "engineer or electrical engineer" as substituted for the words "or engineer" by section 2 (iv) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

(3) Pending the settlement of an appointment under subsection (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.

¹ [(4) No such officer shall be removed from office except with the consent of the ² (State 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.]

³ [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 ⁴ (fifty rupees) per mensem shall be made ⁵ (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 ⁶ [any rules (including rules for the representation of different communities) which the ²(State Government) may make in this behalf:]

Filling up of appointments other than those specified in sections 12-C and 72.

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.]

¹ This sub-section was added by section 54 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This section was substituted for original section 73 by section 12 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁴ These words were substituted for the words "eighty rupees" by section 3 of the Madras District Municipalities (Amendment) Act, 1935 (Madras Act XVIII of 1935).

⁵ These words were substituted for the words "by the council" by *ibid.*

⁶ These words 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).

Power of State Government to transfer officers and servants of municipalities.

¹ [73-A. (1) Notwithstanding anything contained in this Act or in the Madras Local Boards Act, 1920², the ³ (State 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 ⁴ constituted under the Madras Local Boards Act, 1920² :

Madras Act XIV of 1920.

Madras Act XIV of 1920.

Provided that such power shall be exercised after consulting the local bodies concerned.

(2) The ³ (State 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 council to frame service regulations.

74. Subject to the ⁵ [provisions of this Act and any rules which the ³ (State 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, ⁶ [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, ⁷ [leave allowances, travelling allowances, pension or gratuity provided for in such regulations] shall in no case without the special sanction of

¹ This section was inserted by section 5 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935). See the corresponding section 34 (4) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Now district board.

⁵ 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).

⁶ These words were substituted for the words "and acting allowances" by section 56, (ii) *ibid.*

⁷ These words were substituted for the words "and leave allowances, gratuity or pension granted under these regulations" by section 56 (iii), *ibid.*

the ¹ [State 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.

75. Subject to the provisions of section 77 and to such control as may be prescribed by the ¹ [State Government] the ² [executive authority] may ³ [censure, fine, withhold promotion from], reduce, suspend, remove or dismiss ⁴ [any officer or servant in the service of the municipality] except a health officer ⁵ [a municipal engineer, a municipal electrical engineer or an assistant municipal electrical engineer] for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

Power to
punish
municipal
officers or
servants.

⁶ [Provided that a fine shall not be imposed on any municipal officer or servant unless he is a bill collector or the holder

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 word "fine" by section 57 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ These words were substituted for the words "any municipal officer or servant in its service" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951) and the words "in its service" were inserted by section 57 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ These words were substituted by section 4 of the Madras District Municipalities (Amendment) Act, 1945 (Madras Act XXIII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948), for the words "a municipal engineer or a municipal electrical engineer" as substituted for the words "or a municipal engineer" by section 2 (v) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁶ This proviso was added by section 2 of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1942 (Madras Act XVIII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

of a post which is classified by the ¹(State) Government as inferior or menial.]

Power to grant leave to establishment.

Power of State Government to appoint health officer, engineer or electrical engineer.

76. The ²[executive authority] may grant leave to all municipal officers and servants.

³ [76-A. Notwithstanding anything contained in this Act—

(a) the ⁴[State Government] may, by notification, take power to appoint the health officer, ⁵[the municipal engineer, the municipal electrical engineer or the assistant municipal electrical engineer] in the case of any municipality or class of municipalities ;

(b) the ⁴[State Government] may recover from the municipal council concerned the whole or such proportion of the salary and allowances paid to any such health officer, ⁶[engineer, electrical engineer or assistant electrical engineer and such contribution towards his leave allowances, pension and provident fund as the ⁴[State Government] may, by general or special order, determine ;

(c) the ⁴[State Government] may, at any time, withdraw any such health officer, ⁶[engineer, electrical engineer, or assistant electrical engineer] and appoint another in his place ; and

(d) the ⁴[State Government] shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the health officers,

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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 2 of the Madras District Municipalities (Third Amendment) Act, 1933 (Madras Act XII of 1933).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted by section 5 (i) of the Madras District Municipalities (Amendment) Act, 1945 (Madras Act XXIII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948), for the words "the municipal engineer or the municipal electrical engineer" as substituted for the words "or the municipal engineer" by section 2 (vi) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁶ These words were substituted by section 5 (ii), *ibid.*

¹ [engineers, electrical engineers and assistant electrical engineers] appointed under clause (a).]

77. (1) The ² [State Government] may, on the application of any municipal council, place the services of any Government servant ³ [employed in connexion with the affairs of the ⁴ (State)] 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 ⁵ [also make any contribution towards the pension and leave allowances of such servant as may be required, by the conditions of his service under the ⁶ [Government], to be paid by him or on his behalf].

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 ⁷ [the State Government], the ² [State Government] shall contribute to the municipal fund so much of the salary of such servant as the ² [State Government] may consider to be an equivalent for such work.

⁸ [(3) No Government servant employed by a municipal council shall be dismissed or removed from such employment—

(a) in case he is employed as a medical officer, without the consent of the ⁹ (State) Government; and

¹ These words were substituted by section 5 (iii) of the Madras District Municipalities (Amendment) Act, 1945 (Madras Act XXIII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948), for the words "engineers and electrical engineers" as substituted for the words "and engineers" by section 2 (viii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by the Adaptation Order of 1937.

⁴ This word was substituted for the word "Province" by the Adaptation Order of 1950.

⁵ These words were substituted for the words "also pay the 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" by the Adaptation Order of 1937.

⁶ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

⁷ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ This sub-section was substituted for the original sub-section (3) by section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1942 (Madras Act XII of 1942), which came into force with retrospective effect from 21st March 1941 and was re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(b) in any other case, without the consent of the ¹(State) 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 the Government servant belongs,]

(4) No Government servant employed by a municipal council shall, except in cases of emergency, be without the service of the council without the consent of the municipal council, unless and until the ²[State 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.

³[77-A. (1) Notwithstanding anything contained in this Act, the ²(State 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 ²[State 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 ²[State Government] or in such other authority or authorities as may be prescribed therein.]

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This section was added by section 58 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [77-B. Notwithstanding anything contained in this Act, where a college maintained by a municipal council is affiliated to a University, the management of the college shall, if the laws of the University so require, vest in a governing body constituted in accordance with such laws and such governing body shall exercise in relation to the members of the teaching staff and the establishment of the college all powers of appointment, control and punishment which by or under the Act vest in the committee referred to in section 73 or in the executive authority.]

Management of certain municipal colleges and appointment of staff, etc., thereto.

PART III.

CHAPTER VI.—TAXATION AND FINANCE.

78. (1) Every municipal council may levy,

(a) a property tax ;

² [(b)] a profession tax ;

³ [(c)] a tax on carriages and animals ;

² [(d)] a tax on carts.

³ [(e) * * * * *].

Enumeration of ordinary taxes and powers of control of State Government.

(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 ⁴ [. . .] shall specify the rate at which any such tax ⁴ [. . .] shall be levied and the date from which it shall be levied :

Provided that before ⁵ [passing] a resolution imposing a tax ⁴ [. . .] for the first time or increasing the rate of an existing tax ⁴ [. . .], the council ⁶ [shall publish a notice

¹ This section was inserted by section 2 of the Madras District Municipalities (Second Amendment) Act, 1944 (Madras Act XIX of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

² 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).

³ This clause was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ The words "or toll" were omitted by *ibid*.

⁵ 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).

⁶ These words were substituted by section 2 (i) of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1944 (Madras Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948), for the words "shall publish a notice in the district gazette and at least one vernacular newspaper of its intention," which were inserted by section 59 (ii) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

in at least one vernacular newspaper, on the notice board of the municipal office and in such other places within municipal limits as may be specified by the council and by beat of drum, 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 ¹ [. . .] or reducing the rate at which a tax ¹ [. . .] is levied shall be immediately reported to the ² [State 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 ² [State Government] :

³ [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.]

Duty on
transfers of
property.:

⁴ [78-A. In every municipality, a duty shall be levied on certain transfers of property in accordance with the provisions hereinafter contained in this Act.]

Special
taxation.

79. With the previous sanction of the ² [State Government] and the ⁵ [Central Government]—

⁶ [(a) * * * * *]

(b) a tax on persons ⁷ (travelling by railway from any station notified under section 116 in or near the municipality) may be levied by the council of any municipality which is resorted to by pilgrims :

¹ The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This proviso was added by section 59 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This section was inserted by section 2 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁵ These words were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937.

⁶ Clause (a) was omitted by *ibid.*

⁷ These words were substituted for the words "entering or leaving the municipality by railway" by section 60 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [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.]

80. When a municipal council shall have determined subject to the provisions of sections 78 and 79 to levy any tax ² (. . .) for the first time or at a new rate, the ³ [executive authority] shall forthwith publish a notification in the district gazette and by beat of drum specifying the rate at which, ⁴ [the date from which and the period of levy, if any, for which such tax ² (. . .) shall be levied.]

Notification
of new taxes.

⁵ [80-A. Nothing in this part of this Act shall authorize a municipal council to levy any tax which the ⁶ (State) Legislature has no power to impose in the ⁷ [State] under ⁸ (the Constitution) :

Saving for
certain
provisions
of the
Constitution.

Provided that a municipal council which immediately before the commencement of ⁹ (the Constitution) was lawfully levying any such tax under this part of this Act as then in force, may continue to levy that tax until provision to the contrary is made by ¹⁰ (Parliament by law.)]

The property tax.

81. ¹¹ [(1) If the council by 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—

Description
and classes
of property
tax.

(a) a tax for general purposes ;

¹ This proviso was added by section 60 (iii) 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 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 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).

⁵ This section was inserted by the Adaptation order of 1937.

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁷ This word was substituted for the word "Province" by *ibid.*

⁸ These words were substituted for the words "the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

⁹ These words were substituted for the words "Part III of the said Act" by *ibid.*

¹⁰ These words were substituted for the words "the Central Legislature" by the Adaptation (Amendment) Order of 1950.

¹¹ This sub-section was substituted for the original sub-section by section 62 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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 ;

(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 ¹(State Government)].

² [(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings, or lands which are occupied by, or adjacent and appurtenant to, buildings or both, as may be fixed by the municipal council, subject to the provisions of section 78;]

³ [(3) (a) ⁴(Save as otherwise provided in clause (b), the municipal council shall, in the case of lands) which are not used exclusively for agricultural purposes and are not occupied

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was substituted by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1955 (Madras Act XX of 1955), for the original sub-section as amended by section 62 (ii) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ Sub-section (3) which was inserted by section 62 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930), was lettered as sub-section (3) (a) by section 2 (i) of the Madras District Municipalities (Second Amendment) Act, 1946 (Madras Act VI of 1946), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ This expression was substituted for the words "The municipal council may, in the case of lands" by *ibid.*

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 ¹ (State Government) and that the capital value of such lands shall be determined in such manner as may be prescribed.]

² [(b) In the case of railway lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, the municipal council shall levy these taxes on the annual value of such lands, and the ³ (State) Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the annual value of such lands shall be estimated or revised, and they may also by such rules, restrict or modify the application of the provisions contained in Schedule IV to such lands.]

⁴ [(4) ⁵ (a) The municipal council shall, 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 District Boards Act, 1920 (Madras Act XIV of 1920) :

Provided that the proportion shall not exceed the maximum, if any, fixed by the State Government.)

(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.]

⁶ [81-A. (1) The ⁷ [State] Government may by order published in the Official Gazette direct any municipal council to

Levy of property tax on a direction by Government.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This clause was added by section 2 (ii) of the Madras District Municipalities (Second Amendment) Act, 1946 (Madras Act VI of 1946,) re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948.)

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This sub-section was inserted by section 62 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ This clause was substituted for clause (a) by section 2 (ii) of the Madras District Municipalities (Amendment) Act, 1955 (Madras Act XX of 1955).

⁶ This section was inserted by section 2 of the Madras District Municipalities (Amendment) Act, 1944 (Madras Act VIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

⁷ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

levy the property tax referred to in sub-section (1) of section 78 or any class of such tax, at such rate and with effect from such date (not being earlier than the first day of the half-year immediately following that in which the order is published) as may be specified in the order.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to property tax shall apply as if the municipal council had on the date of publication of such order by resolution determined to levy the tax at the rate and with effect from the date specified in the order and as if no other resolution of the council under section 78 determining the rate at which and the date from which property tax shall be levied had taken effect.

(3) A municipal council shall not alter the rate at which the property tax or any class of such tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the ¹ [State] Government.]

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 ² [less a deduction in the case of buildings, of ten per cent of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and adjacent lands occupied as an appurtenance thereto;] and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever :

Provided that—

³ [(a) in the case of

(i) any Government or railway building or

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "less a deduction in the case of buildings only, of ten per centum of such annual rent" by section 3 (1) of the Madras City Municipal and District Municipalities (Amendment) Act, 1944 (Madras Act III of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948). This amendment should be deemed to have taken effect from the commencement of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930), which originally amended this sub-section by inserting the words "in the case of buildings only."

³ 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).

(ii) any building of a class not ordinarily let the gross annual rent of which cannot, in the opinion of the ¹ [executive authority], be estimated

the annual value of the premises shall be deemed to be six percent 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 ² [and furniture] shall be excluded from valuations under this section.

³[(3) The ⁴ [State] Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases.]

83. ⁵ [(1) The following buildings and lands shall be exempt from the property tax :—

General exemptions.

⁶ [(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes;

(c) buildings used for educational purposes including hostels, public buildings and places used for the charitable purpose of sheltering the destitute or animals, and libraries and playgrounds which are open to the public ;

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 63 (ii) (b) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ This sub-section was added by section 3 of the Madras City Municipal and District Municipalities (Second Amendment) Act, 1942 (Madras Act XXXVI of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ Section 83 was renumbered as sub-section (1) of section 83 by section 64 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ These classes were substituted for the original clauses (a) and (b) and clauses (c), (d) and (e) were relettered as clauses (g), (h) and (i) respectively by section 3 (ii) (1) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

(d) 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;

Central Act VII of 1904.

(e) charitable hospitals and dispensaries;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the ¹ (State) Government;]

² [³ [(g)] burial and burning grounds included in the book kept at the municipal office under section 281;]

³ [(h)] buildings or lands belonging to the municipal council;

⁴ [³ [(i)] any irrigation work vesting in the ⁵ (Government) including the bed of a water-course, or any building or land adjacent and appertaining to such irrigation work; ⁵ (Government) lands set apart free for recreation purposes; and all such other ⁵ (Government) property (being neither buildings nor land from which in the opinion of the ¹ (State) Government any income could be derived) as may from time to time be notified by the ¹ (State) Government;]

⁶ [Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.]

⁷ [*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.]

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This clause was substituted for the original clause by section 64 (1) (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ Clauses (c), (d) and (e) were re-lettered as clauses (g), (h) and (i) respectively by section 3 (ii) (1) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

⁴ This clause was substituted for the original clause (e) by section 2 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XI of 1939).

⁵ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

⁶ This proviso was inserted by section 3 (ii) (2) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

⁷ This *Explanation* was inserted by section 64 (1) (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [(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.]

¹ [(3) The municipal council may with the previous sanction of the ² (State 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.]

¹ [(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.]

¹ [(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.]

³ [84. (1) The rate of any class of property tax on lands when levied on their annual value ⁴ [under section 81, sub-section (2)] may be lower than the rate 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 : Taxation to be uniform.

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.]

¹ Sub-sections (2) to (5) were added by section 64 (2) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This section was substituted for the original section by section 65 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ These words, figures and brackets were inserted by section 3 of the Madras District Municipalities (Amendment) Act, 1955 (Madras Act XX of 1955).

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.

(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.

¹ This section was substituted for the original section by section 66 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This section was substituted for the original section 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 (3) by section 6 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

(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.]

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].

Obligation of transferor and transferee to give notice of transfer.

(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.

² [89. (1) (a) If any building in a municipality is constructed or reconstructed, the owner shall give notice thereof to the ¹ (executive authority) within fifteen days from the date of completion or occupation of the building, whichever is earlier.

Owner's obligation to give notice of construction, reconstruction or demolition of building.

(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

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 89 and 90 were substituted for original sections 89 and 90 by section 68 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 ¹ (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 ² (half-year succeeding the demolition) or destruction as the case may be.]

Remission of tax in areas included or excluded in the middle of a half-year.

³ [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

(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

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 "half-year preceding the demolition" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

³ Sections 89 and 90 were substituted for original sections 89 and 90 by section 68 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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 ¹ (half-year succeeding 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 ² (executive authority) within three months from the date of the exclusion of the area in which the building or land is situated.]

91. (1) For the purpose of assessing the property tax, the ² [executive authority] may, by notice, call on the owner or occupier of any land or building to furnish him, ³ [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 ⁴ [and with such other information as the ² (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.

Power of executive authority to call for information and to enter upon premises.

(2) For the purpose aforesaid the ² [executive authority] may enter, inspect, survey and measure such building or land, after giving twenty-four hours' notice to the owner or occupier.

⁵ [. . .]

⁵ [92. * * * * *]

Profession tax.

⁶ [93. (1) If the council by a resolution determines that a profession tax shall be levied—

Profession tax.

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

¹ These words were substituted for the words "half-year preceding such date" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

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 "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).

⁴ These words were inserted by section 69 (b), *ibid.*

⁵ Section 92 and the heading thereto were omitted by section 70, *ibid.*

⁶ This section was substituted for the original section by section 71, *ibid.*

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, 1920¹, 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 board² 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 board² 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.
Central 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 the³ (State Government) shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the³ (State Government) shall be final]:

¹ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

² Now District Board.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹ [Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the ² (State) Government shall be subject to the concurrence of the Central Government.]

³ [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.

³ [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.]

⁴ [.]

⁴ [95. If the profession tax due from any company or person is not paid, the ⁵ (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.

⁴ [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 ⁵ [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

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

¹ This proviso was inserted by the Adaptation Order of 1937.

² This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

³ Sections 94 and 94-A were substituted for the original section 94 by section 72 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ Sections 95 and 95-A were substituted for original section 95 and the heading occurring before that section, by section 73, *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).

in writing containing the names of all ¹ [persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers] and specifying the profession, art ² [. . .] 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 ³ [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 ⁴ [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. ⁵ [(1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the ³ [executive authority] shall levy the said tax half-yearly on carriages and animals kept ⁶ [or used] 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

¹ 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).

² The word "trade" was omitted by section 74 (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).

⁴ 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).

⁵ This sub-section was substituted for the original sub-section by section (76, *ibid.*

⁶ These words were inserted by section 6 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹[or used] ²[.] 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.

(3) If such aggregate period does not exceed fifteen days, no tax ³ [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 ¹ [or used] the same within the municipality for sixty days in the half-year.

⁴ [(5) Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable—

(a) to pay tax to the municipality 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 to the municipality by some other person; or

(b) to pay to the municipality on account of any carriage or animal in respect of which tax has already been paid to any other municipality or any local board ⁵ or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act, 1920 ⁶ or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such carriage or animal, over the tax already paid to the other municipality, the local board ⁵ or Cantonment Board, as the case may be.]

100. The carriage and animal tax shall not be levied on— Exemptions.

(a) carriages and animals belonging to ⁷ [the Government] and used for military purposes;

¹These words were inserted by section 7 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

²The words "or let out for hire" were omitted by section 77 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³These words were substituted for the words "is leviable" by section 77 (ii), *ibid.*

⁴This sub-section was substituted for the original sub-section (5) by section 7 (ii) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵Now district board.

⁶Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920)

⁷The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(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 ;

¹ [(d)] 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.

² [.]

Composition.

101. With the sanction of the council or in accordance with regulations framed by that body, the ³ [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 ³ [executive authority] shall send to every person supposed to have become liable to the payment of the ⁴ [tax on carriages and animals] a printed table to be filled up with such information respecting the carriages and animals kept ⁵ [or used] by him as the ³ [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.

⁶ [(3) On the expiry of the period of one week referred to in sub-section (2), the ³ [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 ³ [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 ³ [executive authority]

¹ The original clauses (d) and (e) were omitted and the original clause (f) was re-lettered as clause (d) by section 8 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942) re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² The proviso was omitted by section 8 (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).

⁴ 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).

⁵ These words were inserted by section 9 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ This sub-section was added by section 79 (ii) of the Madras District Municipalities (Amendment) Act, 1939 (Madras Act X of 1930).

shall grant him a licence to keep ¹ [or use] such carriage or animal for the period to which the payment relates.

104. (1) The ² [executive authority] may direct that a municipal number shall be affixed—

Power to require numbers to be affixed to bicycles, etc.

(a) to every carriage let out for hire within the municipality, and

(b) to every bicycle and tricycle kept ³ [or used] 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.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on Carts.

105. ⁴ [(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 ⁵ [or used] within the municipality.]

General provisions regarding cart-tax.

⁶ [(1-A) Notwithstanding anything contained in sub-section (1), no person shall be liable—

(a) to pay tax to the municipality during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid to the municipality by some other person; or

¹ These words were inserted by section 10 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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 11 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ This sub-section was substituted for the original sub-section by section 80 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ These words were inserted by section 12 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ This sub-section was inserted by section 12 (ii), *ibid.*

(b) to pay to the municipality on account of any cart in respect of which tax has already been paid to any other municipality or any local board¹ or Cantonment Board, whether under this Act, the Madras City Municipal Act, 1919, the Madras Local Boards Act, 1920², or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such cart, over the tax already paid to the other municipality, the local board¹ or the Cantonment Board, as the case may be.]

Madras
Act IV
of 1919.
Madras
Act XIV
of 1920.
Central
Act II
of 1924.

(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) The³ [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 any⁴ [person who pays any tax to the municipality] at all reasonable times without charge.

(7) This section shall not apply to carts belonging to⁵ [the Government] and used for military purposes, or carts kept solely for sale by cart-makers and dealers.

Power to
remit tax.

106. ⁶ [The tax on carts shall not be levied on any cart which is shown to the satisfaction of the executive authority to have been kept or used]⁷ [. . .] 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.

¹ Now district board.

² Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

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 "tax-payer" by section 80 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "The 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" by section 13 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ The words "or let out for hire" were omitted by section 81 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [Taxes leviable under sections 98 and 105.]

¹ [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 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.]

Prepayment of municipal tax condition precedent to registration under Madras Act V of 1911.

Powers to seize carriages and carts 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 ² [executive authority] may at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Seizure of vehicles not bearing numbers.

Provided that no vehicle other than a bicycle, tricycle, ³ [.] 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 ² [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 ² [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 ² [executive authority] may direct; and
- (iii) a sum of eight annas on account of charges incurred in connexion with the seizure and detention.

¹ This heading and section were inserted by section 82 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 The word "motor-bicycle" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931)

Tax on servants.

General provisions regarding servants' tax.

108. (1)¹ [If a hill station municipal council by a resolution determines] that a tax shall be levied on servants, ² [the ³ (executive authority) shall collect] a monthly tax from the 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 ⁴ [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 ⁵ [.] 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 ³ [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 ⁵ [.] 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 ³ [executive authority] may by notice require—

(a) every employer of private menial and domestic servants, and

¹ 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).

² These words were substituted for the words "he shall collect" by *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 and figures were inserted by section 83 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "or surcharge on the income-tax" were omitted by the Adaptation Order of 1937.

(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.

¹ [.]

¹ [110. to 114. * * * *]

² [.]

³ [115. * * * *]

Pilgrim tax.

⁴ [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.

Levy of pilgrim tax.

(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 ⁵ [State 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.

¹ 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).

² The heading "Surcharge on the Income-tax" was omitted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act 1955 (Madras Act XXXVI of 1955).

³ This section was omitted by the Adaptation Order of 1937.

⁴ This section was substituted for the original section by section 88 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.			Through-out the year.		
	(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 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 ¹ [State 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) ² [* * * * *]

between municipal councils and railway administrations in matters connected with the levy, collection or apportionment of the tax:]

³ [Provided that rules relating to the decision of disputes shall not have effect in relation to a dispute to which the cantonment authority, or the port authority of a major port, or the administration of any railway as defined in clause (20) of article 366 of the Constitution, is a party, unless the rules are made with the concurrence of the Central Government.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "with the previous sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

³ This proviso was substituted by the Adaptation (Amendment) Order of 1950 for the original proviso as substituted by the Adaptation Order of 1937.

¹ [*Duty on Transfers of Property.*]

¹ [² (116-A. The duty on transfers of property shall be levied—

Method of assessment of duty on transfers of property.

Central Act II of 1899.

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated within the limits of a municipality; and

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument)].

¹ [116.-B. On the introduction of the transfer duty—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within the limits of a municipality and outside such limits;

Provisions applicable on the introduction of transfer duty.

Central Act II of 1899.

¹ This heading and sections 116-A, 116-B and 116-C were inserted by section 2 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² This section was substituted for section 116-A by section 3 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950 (Madras Act VII of 1950).

(b) section 64 of the same Act shall be read as if it referred to the municipal council concerned as well as the Government.]

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

¹ [116-C. The ² (State) Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the municipal councils concerned and the deduction of any expenses incurred by the Government in the collection thereof.]

General provisions regarding taxation and finance.

Power to exempt from taxes.

117. With the sanction of the ³ [State Government] the municipal council may exempt any person or class of persons wholly or in part from the payment of any tax ⁴ [. . .]. ⁵ [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.

⁶ [118. The municipal council may write off any tax, ⁷ (. . .) 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, ⁷ (. . .) 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 ⁸ [* * *] in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the

¹ This heading and sections 116-A, 116-B and their heading were inserted by section 2 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁵ This sentence was added by section 89 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ This section was substituted for the original section 118 by section 90, *ibid.*

⁷ The word "toll" was omitted by Schedule I, to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁸ The words "before the end of December" were substituted for the words "in the month of February" by section 91 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930), and the words so substituted were omitted by section 2 of the Madras District Municipalities (Second Amendment) Act, 1942 (Madras Act VII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

following year and shall submit a copy of the budget to the ¹ [State Government] before ² [such date as may be fixed by them in that behalf]. The budget shall contain provision adequate in the opinion of the ¹ [State 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 [State Government] fails to make these provisions, the ¹ [State Government] may ³ [modify any part of the budget] so as to ensure that such provisions are made.

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 alteration shall be made without the consent of the ¹ [State Government] in the amount allotted for the service of debt or in the working balance.

Revised or supplemental budget.

122. The ¹ [State 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.

Appointment of auditors of accounts.

Central Act XLV of 1860.

123. (1) If the expenditure incurred by the ¹ [State 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 [State Government], make a contribution towards such expenditure.

Contributions to expenditure by other local authorities.

(2) The ¹ [State 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 [State Government]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "the end of February" by section 91 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were substituted for the words "alter any part of it" by *ibid.*

the ¹ [State 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 State Government.

³ [124-A. Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the ¹ [State Government] shall be entitled to recover in the manner provided by subsection (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.] Central Act IX of 1914.

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, stand-pipes, 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:

⁴ [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) The ¹ [State Government] may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the municipal council and giving due regard to its objections, if any.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "as he shall name" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ This section was inserted by section 92, *ibid*.

⁴ This proviso was added by section 7 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

126. (1) The municipal council may, with the sanction of the ¹ [State 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, stand-pipes, and other works as it may deem fit within the said limits for the use of the inhabitants.

Construction and maintenance of water-works.

(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.

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.

Trespass on premises connected with water-supply.

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.

Prohibition of building over 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.

Supply 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.

Council to provide water for domestic use.

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.

Control over house-connexions.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 ²[.], within the municipality or for any ornamental or mechanical purpose,
- (e) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire ;

but shall be deemed to include a supply—

- (a) for flushing 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.

³ [(4) * * * * *]

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 "tanks in or near temples and mosques" were omitted by section 2 (3) of the Madras District Municipalities (Amendment) Act, 1936 (Madras Act XXIII of 1936).

³ Sub-section (4) was omitted by section 2 (b), *ibid.*

Private water-supply for non-domestic purposes.

¹ [132]. The ² [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.

Power of executive authority to supply water for non-domestic purposes.

³ [Payment for water.]

⁴ [132-A. (1) For all water supplied under section 131 or under section 132, payment shall be made on such basis, at such times, and on such conditions as may be laid down in the by-laws made by the Council, and shall be recoverable in the same manner as the property-tax.

Power of council to make by-laws for water supply.

(2) In particular and without prejudice to the generality of the foregoing power, such by-laws may—

(a) in cases of supply for domestic consumption and use, lay down the maximum free allowance to be made and the rates of charge to be levied in respect of water supplied in excess of such allowance; and

(b) in cases of supply whether for domestic consumption and use or for other purposes, or any class of such cases, lay down that the charge for water supplied shall be based on the number of taps allowed, irrespective of the quantity of water consumed.]

Supply beyond limits of municipality.

133. The council may with the sanction of and on such terms (if any) as may be approved by the ⁴[State Government] supply water to a local authority or other person without the municipality.

Supply without the municipality.

Cutting off water-supply.

134. (1) The ² [executive authority] may cut off the supply of municipal water from any premises—

Power to cut off water-supply.

(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

¹ Sub-section (2) of section 132 was omitted, and sub-section (1) was renumbered as section 132, by section 3 of the Madras District Municipalities (Amendment) Act, 1936 (Madras Act XXIII of 1936).

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 heading and section 132-A were inserted by section 4 of the Madras District Municipalities (Amendment) Act, 1936 (Madras Act XXIII of 1936).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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;

(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 reconnecting the premises with the municipal water-works.

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.

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.

Non-liability of council for reduction or stoppage of supply in certain cases.

Lighting.

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.

Provision for lighting public streets.

Public drainage.

137. The municipal council shall, so far as the funds at its disposal may admit, provide and maintain a sufficient system of public drains.

Maintenance of system of drainage by council.

Private drainage.

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.

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

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.

Connexion of house-drains with public drains.

(2) If there is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises ² [or if within such distance a public drain or outfall is about to be provided or is in the process of construction]

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 3 (i) of the Madras City Municipal and District Municipalities (Amendment) Act, 1942 (Madras Act XXVII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

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.

(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

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).

(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 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.

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 ²[about to be provided or in the process of construction] 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.

Power of executive authority to drain premises in combination

(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

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 "about to be constructed" by section 3 (ii) of the Madras City Municipal and District Municipalities (Amendment) Act, 1942 (Madras Act XXVII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

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.

(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

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).

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.

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 labourers.

148. The ¹[executive authority] may by notice require the owner or manager of a market, cart-stand, cattle-shed, choultry, theatre, railway station, dock, wharf 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.

Provision of latrines for markets, cart-stands, cattle-sheds, choultry, etc.

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.

Latrines to be screened from view and kept clean.

General powers.

150. The ¹[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 ²(vested in the ³[Government] ⁴[]) and may

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

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 "owned by the Government of India" by the Adaptation Order of 1937.

³ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

⁴ The words "and under the control of the Central Government" were omitted by the Adaptation (Amendment) Order of 1950.

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 be ¹ [executive authority], make any connexion with any municipal cable, wire, pipe, drain or channel or with the house connexion of any other person.

(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 [State 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 [State 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 [State 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.

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 "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

CHAPTER VIII.—SCAVENGING.

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 deposits of filth, rubbish and the carcasses of animals ;
 - (ii) covered vehicles 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.

Municipality to arrange for the removal of rubbish and filth.

¹ [154. * * * * *]

¹ [155. * * * * *]

² [156. 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 ³ [State Government] may determine to the funds of the municipal council.]

Contributions from persons having control over places of pilgrimage, etc.

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,

Prohibition of improper disposal of carcasses, rubbish and filth.

- (a) deposit the carcasses of animals, rubbish or filth, in any street, or on the verandah of any building, or on any unoccupied ground along side 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.

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 for the original section by section 95, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Prohibition
against
keeping
filth on
premises too
long, etc.

¹ [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 ² [executive authority] as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

³ [* * * * *]

Prohibition
against
allowing
outflow of
filth.

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
using any
cart without
cover in the
removal of
filth, etc.

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
throwing
rubbish or
filth into
drains.

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.

CHAPTER IX.—STREETS.

Public streets.

Maintenance
and repair of
streets.

162. ⁴ [(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.

¹ Sub-section (1) of section 158 was omitted and sub-section (2) was re-numbered as section 158 by section 96 (1) 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 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).

⁴ Section 162 was renumbered as sub-section (1) of section 162 and a new sub-section (2) was added by section 97, *ibid.*

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—

(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 [State 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.

Powers of municipal authorities.

164. (1) When a public street is permanently closed under section 163, the municipal council may, with the sanction of the ² [State Government] dispose of the site or of so much thereof as is no longer required, in such manner as may be approved by the ² [State Government], provided that due compensation is made to any person injured by such closing.

Power to dispose of permanently closed streets.

(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.

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 :

Acquisition of land and buildings for improvement of streets.

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

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 The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

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 ¹ [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.

(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.

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

Power to
prescribe
building
line and
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).

(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.

167. (1) No person shall construct any portion of any building within a street alignment defined under section 166. Buildings not to be constructed within street alignment or building line.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 166 except with ¹[the] permission of the ²[executive authority] who may when granting ¹[the] permission impose such conditions as the council may lay down for such cases.

168. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 166, the ²[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.

(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 ²[executive authority] or otherwise, taken down, or when any private land without any building thereon lies within the street alignment, the ²[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 ²[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,

¹ This word was inserted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

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 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.

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

³ [* * * * *]

(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.

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 98 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ The proviso to sub-section (2) was omitted by section 98 (ii), *ibid*.

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.

Watering of streets.

172. The ¹ [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 :

Temporary closure of streets.

Provided that such work shall be completed and such street reopened to traffic with all reasonable speed.

173. It shall not be lawful for any person, without the permission of the ¹ [executive authority], to displace, take up, or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Protection of appurtenances and materials of streets.

174. 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 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 :

Power of municipality to recover expenses caused by extraordinary traffic.

Provided that any person against whom expense 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.

² [174-A. * * * *]

Private streets.

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

Owner's obligation to make a street when disposing of land as building sites.

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 Section 174-A was omitted by section 6 (i) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

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, sewerage, 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.

(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.

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—

Alteration or demolition of street made in breach of section 176.

(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.

(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.

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.

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

(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].

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.

Right of owners to require street to be declared public.

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).

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.

¹ [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 regula-
tion 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 ² [executive authority] be hung or placed so as to open outwards upon any street.

(2) The ² [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
encroach-
ments.

182. (1) The ² [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.

(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 pro-
jections 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.

³ [(2) The ² [executive authority] may grant a licence, subject to such conditions and restrictions as he may think

¹ This section was inserted by section 2 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

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) to (6) 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).

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 road sides 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 ² (State 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 ³ [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.]

184. (1) The ³ [executive authority] shall, during the construction or repair of any street, drain or premises vested in the municipal council—

Precautions during repair of streets.

(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 ³ [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 ³ [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.

¹ Sub-sections (2) to (6) 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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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).

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 times 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 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].

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).

Numbers on buildings.

190. (1) The ¹[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. Numbering of buildings.

(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.

191 (1) The ²[State Government] may make rules— Building 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 storeys 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;

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 "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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[State 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.

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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.

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.

Buildings at corner of streets.

(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.

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.

³ *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

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 Under section 5-A (1) of the Madras Cinemas Regulation Act, 1955 (Madras Act IX of 1955), the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct or re-construct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

(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.

¹ [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.

Necessity for prior approval of site.

198. The ² [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.

Prohibition against commencement of work without permission.

199. The construction or reconstruction of a building shall not be begun unless and until the ² [executive authority] has granted permission for the execution of the work.

Period within which executive authority is to signify approval or disapproval.

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 ² [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 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 ² [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 ² [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.

¹ This Explanation was added by section 101 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) 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.

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:—

Grounds on which approval of site for, or licence to construct or reconstruct building, may be refused.

(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 ² [Government or municipal land.]

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.

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.

Lapse of permission.

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

Power of executive authority to require alteration of 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).

² The words "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(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 subsection (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.

Prohibition against commencement of work without permission.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or by-law.

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.

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).

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.

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

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.

Reference to council if executive authority delays passing orders.

(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.

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

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

(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 ² [Government or municipal land.]

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.

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 "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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 dimensions 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 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

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).

(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.

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. Exemptions.

(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.

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.

Precaution
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 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*.

¹ [executive authority] may by notice require the owner to fill in, remove, repair, protect or enclose the same as to prevent any danger therefrom.

(2) If immediate action is necessary he shall before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 344.

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.

Power to stop dangerous quarrying.

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, verandah, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other highly inflammable materials to remove or alter such tent, booth, structure, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the ¹ [executive authority] may think necessary to prevent danger from fire.

Precautions against 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

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).

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].

(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

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).

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 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.

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 [State Government] by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Regulation
of prohibi-
tion of
certain
kinds of
cultivation.

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.

226. (1) The ¹ [executive authority] may by notice require the owner of or person having control over any private water-course, 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.

Cleansing
of insani-
tary private
tank or well
used for
drinking

(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

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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.

² [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.]

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-houses.

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 and 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.

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 3 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929.)

(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.

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 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 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.

Prohibition against defiling water of tanks, etc., whether public or private.

Control over abandoned lands, untrimmed hedges, etc.

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.

Untenanted buildings or lands.

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.

Removal of filth or noxious vegetation.

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).

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 a 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.

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 lime wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the ² [notice].

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.

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).

(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.

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 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.

Buildings
unfit for
human
habitation.

(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.

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) 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 over-
crowding 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, 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).

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).

Control over certain animals.

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 feeding certain animals on filth.

240. No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

Prohibition against keeping animal so as to be a nuisance or dangerous.

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.

Power to destroy stray pigs and dogs.

(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.

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.

Power of executive authority to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier.

(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.

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.

Limitation of compensation.

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 XII.—LICENCES AND FEES.

¹ [General exemption.]

Government and market committees not to obtain licences and permissions.

¹ [244. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the ² (State) Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any ³ (Government) property or of any property belonging to such market committee.]

Madras Act XX of 1933.

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 ⁴ [shall apply to the executive authority for a licence not less than thirty and not more than ninety days before the opening of such place, or the commencement of the year for which the licence is sought to be renewed, as the case may be.]

(2) The ⁵ [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 ⁶ [Madras] 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.

¹ This heading and section were substituted for the original heading and section by section 14 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word was substituted for "Crown" by *ibid.*

⁴ These words were substituted for the words "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 executive authority for a licence for the use of the same for any such purpose of profit" by section 15 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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 word "Madras" was inserted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

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.

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

(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.

(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.

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.

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

² [248. * * * * *]

Industries and Factories.

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 :

Purposes for which places may not be used without licence.

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 ⁵ [State 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.

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 proviso by section 105 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.

(5) Applications for renewal of such licences shall be made ²[not less than thirty and not more than ninety days] before the end of every year and applications for licences for places to be newly opened shall be made ²[not less than thirty and not more than ninety days] before they are opened.

³ [(6) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the municipal council shall pay to the panchayat, if any, having jurisdiction over such place, or if there is no such panchayat, to the district board having such jurisdiction, such portion of the fee received for the grant or renewal of the licence as the ⁴ (State) Government may, by general or special order, direct.]

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.

⁵ 250. (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, ⁶ [not being machinery or manufacturing plant exempted by rules] shall, before beginning such construction, establish-

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 "not less than thirty days," by section 16 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This sub-section was added by section 16 (ii) *ibid*.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ Under section 5-A (1) of the Madras Cinemas Regulation Act, 1955 (Madras Act IX of 1955), the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct, or re-construct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

⁶ These words were inserted by section 17 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting No. (III) Act, 1948 (Madras Act IX of 1948).

ment or installation, make an application in writing to the municipal council for permission to undertake the intended work.

¹ [(2) The application ² [shall specify the maximum number of workers proposed to be ³ (. . .) employed ⁴ (on any day) in the factory, workshop, work-place or premises and] 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 ⁵ [State 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.

⁶ [(4) Before granting permission under sub-section (3), the municipal council—

(a) shall ⁷ [if more than nine workers are proposed to be ⁸ (. . .) employed ⁴ (on any day) in the factory, workshop, work-place or premises] obtain the approval of the inspector of factories appointed under the Indian Factories Act, 1911, ⁹ having jurisdiction in the area of the municipality, or if there is more than one such inspector, of the inspector designated by the ⁵ [State Government] in this behalf

Central
Act XII
of 1911.

¹ This sub-section was substituted for the original sub-section by section 106 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words were inserted by section 17 (ii) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ The word "simultaneously" was omitted by the Schedule to the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the words "at any time" by *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ This sub-section was substituted for the original sub-section by section 106 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁷ These words were inserted by section 17 (iii) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act XI of 1948).

⁸ See now the Factories Act, 1948 (Central Act LXIII of 1948).

by general or special order, as 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 ¹[State 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 ²[district health 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.]

³ [(5) More than nine workers shall not be ⁴[. . .] employed ⁵[on any day] in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment, or unless fresh permission authorizing such employment has been obtained from the municipal council. Before granting such fresh permission, the council shall obtain the approval of the Inspector of Factories referred to in clause (a) of sub-section (4) as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(6) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 197 and 199 or sections 208 and 209, as the case may be.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "district medical officer" by section 17 (iv) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ Sub-sections (5) and (6) and the Explanation were substituted for original sub-section (5) by section 17 (v), *ibid.*

⁴ The word "simultaneously" was omitted by the Schedule to the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ These words were substituted for the words "at any time" by *ibid.*

Central Act XXV of 1934.

Explanation.—The word “ worker ” in sub-sections (2), (4) and (5) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Factories Act, 1934.^{1]}

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.

Council may issue directions for abatement of nuisance caused by steam or other power.

(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.

252. The ² [State 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.

Power of the State Government to pass orders or give directions to municipal councils.

253. (1) The ⁶ [executive authority] or any person authorized by him in this behalf may enter any factory, workshop or work-place—

The executive authority 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.

¹ See now the Factories Act, 1948 (Central Act LXIII of 1948).

² The words “ Provincial Government ” were substituted for the words “ Local Government ” by the Adaptation Order of 1937 and the word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

³ These words were substituted for the words “ he may deem fit ” by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ These words were inserted by section 107 (i), *ibid.*

⁵ The words “ by the municipal council ” were omitted by section 107 (ii), *ibid.*

⁶ These words were substituted for the word “ chairman ” by section 17 (r) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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 ¹ [at such rates as it may think fit.]

² [(2) The council may—

(a) place the collection of such rents and fees under the management of such persons as may appear to it proper; or

(b) farm out such collection 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 ³ [State Government], without the municipality.

Licence for slaughter-houses.

255. (1) The owner of any place ⁴ [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, ⁵ [] ⁶ [shall apply to the executive authority for a licence not less than thirty and not more than ninety days before the opening of such place as a slaughter-house or the commencement of the year for which the licence is sought to be renewed, as the case may be] :

¹ These words were added by section 18 (j) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² This sub-section was substituted for original sub-section (2) by section 18 (ii), *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "in the municipality" by section 108 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ 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 *ibid.*

⁶ These words were substituted for the words "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 executive authority for a licence" by section 19 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹ [Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of the ² (State Government).]

(2) The ³ [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.

256. The ³ [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 during festivals and ceremonies.

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 ³ [executive authority] or dry or permit to be dried any skin in such a manner as to cause a nuisance :

Slaughter of animals for sale as food.

Provided that the ³ [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.

258. (1) No person shall without or otherwise than in conformity with a licence from the ³ [executive authority]—

Regulation of milk trade.

(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 ³ [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.

¹This proviso was added by section 108 (2) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

²The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³These words were substituted for the word "chairman" by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

*Markets, butchers, fishmongers, hawkers.*Public
markets.

259. All markets which are ¹[acquired], constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets ² [; and such markets shall be open to persons of whatever caste or creed.]

Powers in
respect of
public
markets.

260. (1) The council may provide places for use as public markets.

³ [(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 ⁴ (for any period not exceeding three years at a time and) 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, weigh-men and measurers practising their calling in such markets.]

(3) The council may, with the sanction of the ⁵ [State 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 the ⁶ [executive authority], or if the ⁷ [fees] have been farmed

¹ This word was inserted by section 109 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² 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).

³ This sub-section was substituted for the original sub-section by section 110 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ These words were inserted by section 20 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

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 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).

out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) The ¹[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.

²[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. Licence for private market.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought ³(not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed), 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 ⁴(in a regional language) of 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 This section was substituted for the original section by section 112 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were substituted for the words "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" by section 21 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the words "a vernacular language" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

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 subsection (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 material as will in the opinion of the council 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 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

¹ This section was inserted by section 113 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

cause anything that is a nuisance to be at once removed to a place to be ¹ [specified] by the council.

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 ² [. . .] the licence for which has been refused, withheld or suspended ³ [or which is held or kept contrary to the provisions of this Act].

Power to close private markets.

⁴ [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.

Acquisition of rights of private persons to hold private markets.

Central 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.]

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 same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

Duty of expelling lepers, etc., from markets and power to expel disturbers.

269. (1) No person shall without or otherwise than in conformity with a licence from the ⁵ [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:

Butcher's, fishmonger's and poulterer's licence.

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:

¹ This word was substituted for the word "notified" by section 2 (ii) of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1944 (Madras Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² The words "any private market" were omitted by section 114 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were added by *ibid.*

⁴ This section was inserted by section 115, *ibid.*

⁵ 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).

¹ [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, 1920².]

Madras Act XIV of 1920.

(2) The ³ [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 ³ [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 ³ [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 ⁴ [animals or] articles in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

⁵ [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 ⁶ [State Government] and the decision of the ⁶ [State Government] on the question shall be final.]

⁷ [Cart-stands.]

Provision of public cart-stands, etc.

⁷ [270-B. (1) The municipal council may construct or provide ⁸ [and maintain] public landing places, halting places and cart-stands and may levy fees for the use of the same.

⁹ [(1-A) The council may—

(a) place the collection of any such fees under the management of such persons as may appear to it proper ; or

¹ This proviso was added by section 116 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

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 117 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ This section was inserted by section 118, *ibid.*

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ 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).

⁸ These words were inserted by section 2 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act XII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

⁹ Sub-sections (1-A) and (1-B) were inserted by section 2 (ii), *ibid.*

(b) farm out the collection of any such fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(1-B) Any agreement entered into by a municipal council, farming out the collection of such fees for a period, not exceeding three years, commencing on or after the 1st April 1941, shall be valid, notwithstanding that such agreement was entered into before the commencement of the Madras District Municipalities and Local Boards (Amendment) Act, 1941.]

Madras
Act XII
of 1941.

(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, 1914² and animals.]

³ [270-C. Where a municipal council has provided a public landing place, halting place or cart-stand, the ⁴ [executive authority] may prohibit the use for the same purpose by any person within such distance thereof, as may determined by the municipal council, of any public place or the sides of any public street.]

Prohibition
of use of
public
place or
sides of
public
street as
cart-stand,
etc.

⁵ [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 ⁶ [defray the amount] due, he may seize and detain the vehicle or animal.

Recovery
of cart-stand
fees, etc.

¹ These words were inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

² See now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

³ 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).

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 section was substituted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), for the original section which was inserted by section 118 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ These words were substituted for the words "defray their amount" by section 10 (1) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the ¹[executive authority] or to such person as he may have authorized to receive and sell such property and the ¹[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 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 eight annas on account of charges incurred in connexion with the seizure, detention and sale.]

Licence for private cart-stand.

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.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought ³ [not less than thirty and not more than ninety days before the opening of such place as cart-stand, or the commencement of the year for which the licence is sought to be renewed], as the case may be.

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).

³ These words were substituted for the words "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" by section 22 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

(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.]

Inspection of places for sale, etc.

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 preparation for sale.

Duty of executive authority to inspect.

272. (1) The ¹[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 articles.

Powers of executive authority for purposes of inspection.

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 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-law, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against ²[an 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 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 anyway interfere with an animal or article secured under the last preceding section.

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 "a executive authority" by section 3 (2) of, and the Second Schedule to, Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

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.

Power to destroy article seized.

(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.

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.

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

Central Act XLV of 1860.

(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.

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;

Registration or closing of ownerless places for disposal of dead.

(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[State Government], close it.

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.

Licensing of places for disposal of dead.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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.

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.

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).

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

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

(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 ¹ [State 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.

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

Prohibitions in respect of corpses.

(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 ² [executive authority], or an order in writing of a magistrate, reopen 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

(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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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).

(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 ¹[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 ¹[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.

(3) This section shall apply to a hakeem or a vaidyan.

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).

(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.

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.

Power of entry into suspected places.

290. (1) If the ¹[executive authority] ²[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.

Disinfection of buildings and articles.

(2) If the ¹[executive authority] ²[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] ²[or health officer] 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 ¹[executive authority] ²[or health officer] shall be recoverable from the said occupier in cases in which he is, in the opinion of the ¹[executive authority] ²[or health officer], not unable by reason of poverty effectually to comply with such requisition.

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.

Provision of places for disinfection and power to destroy infected articles.

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 substituted for the words "such building or article" by section 121 (ii), *ibid.*

(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.

(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 articles which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this ²[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 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.

Madras Act IV of 1914.

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.

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 "sub-section" by section 23 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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.

Prohibition against diseased person entering 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.

(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.

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].

Letting of infected buildings.

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) For the purposes of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

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.

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.

Compulsory 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.

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).

PART V.—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and schedules.

303. (1) The ¹[State Government] may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

Power of State Government to make rules.

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

(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

³[(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; ⁴[.].

⁵[(c) * * * * *].

(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 ⁵[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;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² 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).

³ Clause (b) was substituted for original clauses (b) and (c) by section 123 (i), *ibid.*

⁴ The word "and" and the second proviso were omitted by section 3 (iii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

⁵ This word was substituted for the words "establishment and maintenance" by section 123 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(g) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the ¹[State Government] or officers of ²[that 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 ³[officers of the State Government] ⁴[. . .] to accord professional or administrative sanction to estimates;

(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 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 municipal councils;

(k) as to the mode in which the officers of ⁵[the State Government] shall advise 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;

⁶[(n) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, ⁷[. . .] tax on carriages and animals, tax on carts, ⁸[. . .] and other taxes or income, levied or obtained under this or any other Act;]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "the Government" by the Adaptation Order of 1937.

³ The words "officers of the Provincial Government" were substituted for the words "Government officers" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "or the Sanitary Board" were omitted by section 123 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ This clause was substituted for the original clause by section 123 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁷ The words "surcharge on income-tax" were omitted by the Adaptation Order of 1937.

⁸ The word "tolls" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

¹ [(o) * * * * *].

(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;

² [(q) as to the transfer of allotments entered in the sanctioned budget of a municipal council from one head to another;

(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

(s) for determining the costs of buildings and lands.]

(3) In making any rule the ³ [State Government] may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

⁴ [304.] The power to make rules under ⁵ [section 303] is subject to the following conditions:—

Making of rules after previous ⁴ publication.

(a) A draft of the rules shall be published in the ⁶ [Official Gazette].

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the ³ [State Government] may appoint.

(c) All rules made under ⁵ [section 303] shall be published in the ⁶ [Official Gazette] and upon such publication shall have effect as if enacted in this Act.

⁷ [305. (1) The ³ [State Government] may make rules altering, adding to or cancelling any of the following Schedules to this Act, namely—

Power of State Government to alter schedules.

Schedules II, III, IV, V and VI.

¹ Clause (o) was omitted by section 123 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² Clauses (q), (r) and (s) were added by section 123 (vi), *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ 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).

⁵ The word and figures "section 303" were substituted for the words and figures "sections 303 and 304" by section 124 (2), *ibid.*

⁶ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁷ This section was substituted for the original section by section 13 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) The ¹ [State 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.

² [305-A. A draft of the rules proposed to be made under sub-section (2) of section 77-A or under ³ [sub-section (1) of section 305] shall be laid ⁴ [before each of the ⁵ [Houses] of the ⁶ [State] Legislature] and the rules shall not be made ⁷ [unless both ⁵ (Houses)] ⁸ [approve] the draft either without modification or addition or with modifications or additions ⁹ [to which both the ⁵ (Houses) agree]; 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 ¹⁰ [Official Gazette] and shall thereafter be of full force and effect.]

By-laws.

Power of council to make by-laws.

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

¹¹ [(1) for all matters expressly required or allowed by with this Act to be provided for by by-law;]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was inserted by section 124 (3) (b) 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 "section 305" by section 14 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁴ These words were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937.

⁵ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "unless the Legislative Council" by the Adaptation Order of 1937.

⁸ This word was substituted for the word "approves" by *ibid.*

⁹ These words were inserted by *ibid.*

¹⁰ These words were substituted for the words "Fort St. George Gazette" by *ibid.*

¹¹ This clause was inserted by section 125 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [(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 ² [and duties] under this Act;

³ [(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;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

¹ The original clause (1) was renumbered as clause (1-A) by section 125 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² 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).

³ This clause was inserted by section 125 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

¹ [(b) * * * *]

¹ [(c) * * * *]

¹ [(b)] 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 ² [but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic];

(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;

¹ Sub-clauses (b) and (c) were omitted and sub-clause (d) was relettered as sub-clause (b) by section 6 (ii) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

² These words were added by section 6 (iii), *ibid.*

(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 ¹ [provided by the municipal council or licensed by the executive authority, as the case may be]

(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 ;

² [(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;

¹ These words were substituted for the words " provided or licensed by the municipal council " by section 24 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act IX of 1948).

² This sub-clause was added by section 125 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(c) for the verification of deaths and the causes of death;

(d) for the period for which corpses must be kept for inspection ;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places ;

(23) for the registration of births, deaths and marriages;

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 ² [subject to the provisions of clause (1) of article 20 of the Constitution], 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 ³ [executive authority] to discontinue such breach

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 inserted by the Adaptation (Amendment) Order of 1950.

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).

¹ [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, 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.]

Conditions precedent to making by-laws.

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 ² [State Government].

Confirmation of by-laws by State 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.

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 [State 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.

Copies of Act, rules and by-laws, to be sold at municipal office.

312. Regulations made by the municipal authorities under this Act shall be published in such manner as the council may determine.

Publication of regulations.

CHAPTER XV.—PENALTIES.

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

General provisions regarding penalties specified in the schedule.

¹ Sections 309 and 310 were substituted for the original section by section 126 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This expression was substituted for the words, figures and letters "clauses (b) and (c) of section 303" by section 127 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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

(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 coun-
cillor,
chairman
or vice-
chairman
when dis-
qualified.

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

¹ This section was substituted for the original section by section 128 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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.]

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 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:

Penalty for acquisition by municipal officer of interest in contract or work.

Central Act XLV of 1860.

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 ² [State 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.]

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.

Penalty for omission to take out licence for 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.

¹ This proviso was added by section 129 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Penalty for unlawful building.

317. If the construction or re-construction of any building or well—

(a) is commenced without the permission of the ¹ [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

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 rupees and in the case of a well or hut to fifty rupees, and to a further fine which may extend in the case of a 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.

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) The ¹ [State 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.

Application of sub-sections (1) and (2) to other municipal servants.

319. Every person who prevents the ² [executive authority] or any person to whom the ² [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.

Wrongful restraint of executive authority and his delegate.

Central Act XLV of 1860.

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—

Penalty for not giving or giving false information.

(a) omits to furnish it, or

(b) knowingly or negligently 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.

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 ² [executive authority].

General provisions regarding licences and permissions.

³ [(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.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 sub-section was substituted for the original sub-section by sub-section 130 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

¹ [(3) The council may—

(a) place the collection of such fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.]

² [(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, ³ [. . .] 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 ⁴ [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.

(6) It shall be the duty of the ⁴ [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

¹ This sub-section was substituted for the original sub-section (3) by section 25 (i) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² This sub-section was inserted by section 130 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ The words "and to such appeal as may be provided in case of refusal" were omitted by section 130 (iii), *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).

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].

³ [(9-A) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than thirty and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application.]

(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.

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).

² These words were added by section 130 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ This sub-section was inserted by section 25 (ii) of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

(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) ²[under section] 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, ²[246 or 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

³ [(b) any refusal by the ¹(executive authority) to approve a building site under section 200; or]

³ [(c) any order of the ¹(executive authority) granting or refusing a licence or permission;]

⁴ [(d)] any order of the ¹(executive authority) made under section 321, sub-section (5), suspending or revoking a licence; or

⁴ [(e)] any other order of the ¹(executive authority) that may be made appealable by rules under section 303.

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 "under section" were substituted for the words "under sections" and the figures and word "246 or 247" were substituted for the figures "246, 247" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

³ 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).

⁴ Original clauses (f) and (g) were re-lettered as clauses (d) and (e) respectively by *ibid.*

(2) The decision of the council on any such appeal shall be final.

Central Act IX of 1908.

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 ¹ [be presented—

Limitation of time for appeal.

(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.

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.

Power of persons conducting election and other enquiries.

Madras Act III of 1869.

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.

Summonses to attend and give evidence or produce documents.

Notices, etc.

326. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Form of notices and permissions.

¹ 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).

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).

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 ⁴ (State 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:

⁵ [Provided that the ⁶ (State) Government shall have power to direct that any such notification—

(i) shall be published in the said gazette either in English or in a vernacular language of the district; or

(ii) shall, instead of being published in the said gazette, be published in any other manner specified by them.]

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.

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 *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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This proviso was added by section 2 (iii) of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1944 (Madras Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repeating (No. I) Act, 1948 (Madras Act VII of 1948).

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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 anything in any place, the ¹ [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.

Notice of prohibitions or setting apart of places.

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—

Method of serving documents.

(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 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 ² [affixing the same on 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 ³ [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.

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

Recovery by occupier of sum leviable from owner.

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 "fixing the same in some conspicuous part" by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

³ 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).

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.

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 ;

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.*

(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.

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 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.

Power of entry on lands adjacent to works.

(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.

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.

Inspection and stamping of weights and measures.

Central Act XLV of 1860.

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).

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.

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.

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 expression was 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).

(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, upto 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 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.

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.

Relief to
agent and
to trustees.

(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.

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).

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.

Recovery of sum due as taxes.

344. All costs, damages, ² [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 ³ [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 ⁴ [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 ⁵ [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

¹ These words were substituted for the word "chairman" by section 17 (r) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

² This word was inserted by section 136(i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words were substituted for the words "drainage or scavenging" by section 136(ii), *ibid.*

⁴ These words were substituted for the words "special provision for their recovery contained in this Act" by *ibid.*

⁵ This word was substituted for the words "in those rules" by *ibid.*

owner of the property sold claims it within six months from the date of the sale, be paid to him by the ¹ [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.

347. ² [. . . .] 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 ¹ [executive authority] or by a person expressly authorized in this behalf by the council or the ¹ [executive authority] within three months of the commission of the offence. But nothing herein shall affect the provisions of the Code of Criminal Procedure, ³ [1898] in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Persons empowered to prosecute.

Central Act V of 1898.

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.

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.

Imprisonment in default of payment and application of costs, etc.

Central Act XLV of 1860.

⁴ [(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 ⁵ [except in the case of a fine] on recovery be paid to the municipal council to be applied to the purposes of this Act.]

Central Act V of 1898.

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

Payment of compensation for damage to municipal property.

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 " 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).

³ These figures were inserted by section 137 (ii), *ibid*.

⁴ This sub-section was substituted for the original sub-section by section 138, *ibid*.

⁵ These words were inserted by the Adaptation Order of 1937.

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 ¹[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 alleged neglect or default in the execution of this Act, or any rule, by-law, regulation, or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given, and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is ²[the chairman, the executive authority, or] a municipal officer or servant, payment of the sum, or any part of any sum, payable by 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).

² These words were substituted for the words "the chairman" by section 17 (2), *ibid.*

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.

351. The ¹ [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 ² [State Government] be declared compoundable;

³ [(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;

³ [(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 ¹ [executive authority];

³ [(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;

³ [(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;

³ [(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 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 words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ 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).

Provision respecting institution, etc., of civil and criminal actions and obtaining of legal advice.

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.

Power of election authority to defend himself if sued.

² [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.]

Injunctions not to be granted in election proceedings.

³ [351-B. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of electoral rolls or for the conduct of any election.]

Central Act V of 1908.

Indemnity to the Government, collector, revenue divisional officer, municipal authorities, officers and agents.

352. No suit shall be maintainable against ⁴ [the ⁵ (State Government), the district collector, the revenue divisional officer] ⁶ [or any municipal chairman, executive authority, officer or servant or any person acting under the ⁷ [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 ⁸ [. . .] or any rule, by-law, regulation or order made under it.

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 This section was inserted by section 140, *ibid.*

³ This section was inserted by section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1936 (Madras Act XXV of 1936).

⁴ These words were inserted by section 141 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ 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).

⁷ These words were substituted for the words "direction of any municipal chairman" by *ibid.*

⁸ 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).

353. (1) The ¹ [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 ² [State Government] or by the ³ [State Government].

Liability of chairman, members, and executive authority for loss, waste, or misapplication.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

⁴ **[353-A.** When the ⁵ (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 ² (State Government).]

Sanction for prosecution of chairman, councillor, or executive authority.

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 Act have been, in substance and effect, complied with. And no proceedings under this Act shall ⁶ [merely] for defect in form, be quashed or set aside by any Court of Justice.

Assessments, etc., not to be impeached.

(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.

¹ 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).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "Secretary of State for India in Council" by *ibid.*

⁴ This section was inserted by section 143 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ 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).

⁶ This word was inserted by section 144 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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]¹

(b) ² [to assist the chairman, the executive authority] or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power ³ [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, ⁴ [. . .]

⁵ [(c) * * * * *]

(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.

Central
Act
XXIV of
1859.

Power of
police
officers
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.

¹ This word was inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

² 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).

³ These words were substituted for the words "vesting in the chairman" by *ibid.*

⁴ The word "and" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁵ Clause (c) was omitted by *ibid.*

(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.

357. The ¹ [State 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.

Exercise of powers of police officer by municipal servants.

Madras Act III of 1889.

Miscellaneous.

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.

Application of term 'public servant' to municipal officers, agents and sub-agents.

Central Act XLV of 1860.

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 obstruction of municipal authorities, servants and contractors.

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.

Prohibition against removal of mark.

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 ⁵ [executive authority].

Prohibition against removal or obliteration of notice.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 *ibid.*

⁵ These words were substituted for the word "chairman" by section 17 (1), *ibid.*

Prohibition against unauthorized dealings with public place or materials.

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.

¹ [State Government]'s Power of delegation.

Delegation of powers by the State Government.

363. ² [(1)] The ¹ [State 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 prosecution under section 353-A] and may in like manner withdraw such authority.

⁵ [(2)] The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the ⁶ [State] Government or by such persons as may be empowered by them in this behalf. The ⁶ [State] Government shall also have power to control and revise the acts or proceedings of any persons so empowered.]

Transitional and transitory provisions.

Passing of property and rights to municipality as reconstituted.

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,

Madras Act IV of 1884.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The original section 363 was re-numbered as 363 (1) by section 26 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the words "vested in him" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ These words and figures were substituted for the words and figures "except those mentioned in Chapters II and III" by section 145, *ibid.*

⁵ This sub-section was added by section 26 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

1884, as well as all liabilities legally subsisting against the said council shall pass to the council as constituted under this Act.

365. This Act shall come into force on such date as the ¹ [State 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 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.

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 — Continuance in office of present chairman and councillors.

Madras Act IV of 1884.

(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 [State Government] shall determine and the ¹ [State 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

Madras Act IV of 1884. Madras Act IV of 1884.

(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 date shall be held on some subsequent day fixed by the chairman—

(i) for ascertainment by lot (or if the ¹ [State 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "so directs" by the Schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 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 [State 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 reconsti-
tuted muni-
cipal
councils.

² **[368.** (1) Notwithstanding anything contained in this Act, when a municipality is constituted for the first time, the ¹ [State 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was substituted for the original section by section 146 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 *ibid.*

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) 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.]

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 ² [State Government] are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the ² [State Government] may take cognizance of the dispute, and

Adjudication
of disputes
between
local
authorities.

(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 26 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the ² [State Government] who shall decide the dispute in such manner as they deem fit.

³ [(3) Any decision given, whether before or after this sub-section comes into force, under clause (a) of sub-section (1) or under sub-section (2) ⁴ [may, at the instance of the local authorities concerned, be modified] from time to time by the

¹ This section was added by section 147 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This sub-section was substituted for the original sub-section (3) by section 3 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act VIII of 1941), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

⁴ These words were substituted for the words "may be modified" by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

¹[State] Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, ²[may, at the instance of such local authorities, be cancelled] at any time by the ¹[State] Government.

Any such decision or any modification therein or 'cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of Law.]

³ [(4) The powers of the ¹[State] Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.]

References to chairman in other enactments and notifications, etc., issued thereunder.

⁴ [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 ⁵ (State Government) shall be final.]

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.
1899	... I	The Madras District Municipalities Act Amendment Act, 1899.	Do.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "may be cancelled" by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

³ This sub-section was inserted by the Adaptation Order of 1937.

⁴ This section was inserted by section 15 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
1907	...	II The Madras Hill Municipalities Act, 1907.	The whole
1909	...	V The Madras District Municipalities Act 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 Act Amendment Act, 1916.	The whole.

SCHEDULE II.

LIST OF HILL STATIONS.

[See section 3 (10).]

Ootacamund, the Nilgiri district.

Coonoor, the Nilgiri district.

Kodaikanal, ¹ [Madurai 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 :

² [Provided that no meeting shall be held on a public holiday.

¹ These words were substituted for the words "Madura district" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

² This proviso and the Explanation were added by section 148 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Explanation.—The expression ‘public holiday’ includes Sundays and any other day declared by the ¹ (State Government), by notification in the ² (Official Gazette), to be a public holiday.]

³ [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).]

⁴ [(3) In municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the council and shall include therein any subject specified by the chairman. On any subject included in the agenda, the chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the councillors or placed before the council before or at the time of the consideration of such subject by the council.]

³ [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.]

¹ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

² These words were substituted for the words “*Fort St. George Gazette*” by the Adaptation Order of 1937.

³ These rules were substituted for the original rules by section 148 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This sub-rule was added by section 27 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act, IX of 1948).

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 ¹ [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.

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 ² [. . .] 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 ³ [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.

⁴ [10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting in English and in the language of the district, shall be forwarded by the chairman to the collector of the district, and another copy

¹ These words were inserted by section 148 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² The words "the votes of" were omitted by section 148 (iv), *ibid*.

³ These words were substituted for the words "chairman or the member who presided at such meeting" by section 148 (v), *ibid*.

⁴ This rule was substituted for rule 10 by Local Administration Department Notification No 308, dated the 12th April 1943, published at page 164 of Part I-A of the *Fort St. George Gazette*, dated the 27th April 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948,

to the ¹[Regional Inspector] of Municipal Councils and Local Boards of the range in which the municipality is situated. An authenticated copy of the said minutes shall also be affixed to the notice board of the municipal office and relevant extracts of the said minutes shall be sent to the heads of departments of the ²[State] Government and to the superintending officers appointed under sub-section (1) of section 38 for information and necessary action. The chairman shall also 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.

Central
Act I of
1872.

⁴[11-A. The committees constituted by the council under section 23 as well as the committees constituted under the proviso to section 68 (1) and under section 73 shall meet in the office provided by the municipal council under rule 1.]

12. The proceedings of every committee appointed by the council shall be recorded in writing and submitted to the council.

⁵[13. * * * * *]

¹ This expression was substituted for the expression "Deputy Inspector" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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 rule was inserted by Local Administration Department Notification No. 775, dated the 16th October 1942, published at page 800 of Part I-A of the *Fort St. George Gazette*, dated the 3rd November 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ This rule was omitted by section 148 (vi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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.

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

¹ Rules 2 to 4 and the heading thereto were substituted for the original 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).

to any tax, or that there is any clerical or arithmetical error in the said books, it may direct the ¹ (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 ¹ [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.

(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.

Assessment of the property tax.

² [6. The value of any land or building for purposes of the property tax shall be determined by the ¹(executive authority) :

Provided that the value of any land or building the tax for which is payable by the ¹ (executive authority) shall be determined by the revenue divisional officer or if the revenue divisional officer is also the ¹ (executive authority), by the council.]

² [7. The ¹ (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

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 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).

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 ³ (or subject to any rules which the ⁴ [State] Government may make in this behalf, by substituting therein for the name of the owner of any property the name of any other person who has succeeded by transfer or otherwise to the ownership of the property.) 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 ⁵ [except where the fair rent of a building together with land appurtenant to it has been determined by the ⁵ (Controller under the Madras Buildings (Lease and Rent Control) Act, 1946.⁶)]:

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 added by Local Administration Department Notification No. 243, dated the 10th March 1942, published at page 234 of Part I-A of the *Fort St. George Gazette*, dated the 31st March 1942, re-enacted permanently with specified modifications by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ These words, brackets and figures were substituted for the words and figures "Controller under the Madras House Rent Control Order, 1941" by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁶ See now the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949).

¹ [Provided further that the decision of the executive authority in any disputed case of transfer of ownership of a property shall not give the transferee a legal title to the property.]

² [9. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the ³ (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 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 :]

⁴ [Provided that in every case where there is an enhancement in the assessment, the executive authority shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned :

Provided further that, in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of sixty days and thirty days referred to in this rule shall be calculated from the date of service of such special notice.]

² [10. In every case in which between one general revision and another, the ³ [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 ³ (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

¹ This proviso was added by Local Administration Department Notification No. 243, dated the 10th March 1942, published at page 234 of Part I-A of the *Fort St. George Gazette*, dated the 31st March 1942, re-enacted permanently with specified modifications by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² 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).

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 provisos were added by Local Administration Department Notification No. 578, dated the 6th June 1939, published at pages 401-402 of Part I-A of the *Fort St. George Gazette*, dated the 13th June 1939.

within 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 yet 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, ⁵ (or, in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property.)

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 for the original rules by section 152, *ibid.*

⁵ These words were added by Local Administration Department Notification No. 573, dated the 6th June 1939, published at pages 401-402 of Part I-A of the *Fort St. George Gazette*, dated the 13th June 1939.

Class and half-yearly income.	Maximum half-yearly tax.
	RS.
VI More than Rs. 3,000 but not more than Rs. 4,800 	12
VII More than Rs. 1,800 but not more than Rs. 3,000 	6
VIII More than Rs. 1,200 but not more than Rs. 1,800 	4
IX More than Rs. 600 but not more than Rs. 1,200 	2
X More than Rs. 300 but not more than Rs. 600 	1

(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 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 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

Central
Act XI
of 1922.

Central
Act XI
of 1922.

¹ Rules 14 to 19 were substituted for the original rules by section 152 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

(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 ¹ [State Government] may, subject to the approval of ² [both ³ (Houses) of the ⁴ (State) Legislature], determine, of the turnover of such business transacted 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "the Legislative Council" by the Adaptation Order of 1937.

³ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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 ³ [or will be] 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.

⁴ [*Explanation.*—Where, in pursuance of section 97, a statement regarding the income of a company or the salary or income of an employed person has been furnished to the executive authority, nothing in this sub-rule shall be deemed to require that authority to serve a notice on such company or person.]

(2) If a return is made as required under sub-rule (1) ⁵ [or a statement regarding the income or salary is furnished under section 97] and the ² [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 ⁶ [such return or statement.]

Explanation.—In cases not falling 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

¹ Rules 14 to 19 were substituted for the original rules 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 the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

³ These words were added by Local Administration Department Notification No. 1096, dated the 5th October 1938, published on page 625 of Part I-A of the *Fort St. George Gazette*, dated the 11th October, 1938.

⁴ This explanation was added by rule (1) issued in G. O. Ms. 268, Local Administration, dated the 26th February 1954, published at page 34 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 31st March 1954.

⁵ These words and figures were inserted by rule (2) (a), *ibid*.

⁶ These words were substituted for the words "such return" by rule (2) (b), *ibid*.

it or him under section 29 of the Indian Income-tax Act, 1922, for the year comprising the half-year in question, the ¹ (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 levying profession tax.

Central
Act XI
of 1922.

(3) ² [If no return is made as required under sub-rule (1) or if no statement is furnished under section 97, or if the ¹ (executive authority) is satisfied that any return so made or any statement so furnished] 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.]

³ [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 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, brackets and figures were substituted for the words, brackets and figures "If no return is made as required under sub-rule (1), or if the executive authority is satisfied that any return so made" by rule (3), issued in G. O. Ms. 268, Local Administration, dated the 26th February 1954, published at page 34 of the Rules Supplement to Part I-A of the *Fort St. George Gazette* dated the 31st March 1954.

³ This rule was substituted for the original rule by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

					Rs.
Tax on carriages and animals.					Maximum half-yearly tax.
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
					AS.
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.]

¹ [21. * * * * * *]

² [* * * * * *]

² [22. * * * * * *]

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).

Appeals.

¹ [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 ² (executive authority) under rule 19;

(c) the order of the ² (executive authority) under rule 13 upon a revision petition; and

(d) the imposition by the ² (executive authority) of any tax on any carriage, animal, or cart, or of the tax on servants.]

24. The council may, of its own motion, or otherwise, cancel, or modify any order passed by the ³[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) ³ [unless it reaches the municipal office]—

(i) within fifteen days from the service ⁴ [. . .] of the notice ⁵ [. . .] 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 ⁶ [under rule 13 or 15] ; or

¹ This rule was substituted for the original rule by section 156 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 "unless it be presented at the municipal office" by Local Administration Department Notification No. 539, dated the 10th May 1941, published at page 346 of Part I-A, of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁴ The words "or sending" were omitted by section 157 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The words "or table" were omitted by *ibid.*

⁶ These words and figures were substituted for the words and figures "under rule 15" by Local Administration Department Notification No. 630, dated the 18th August 1942, published at page 680 of Part I-A of the *Fort St. George Gazette*, dated the 8th September 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

(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 ² [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 ³ [sub-rule (1) of rule 2] shall be corrected in accordance with any orders passed by the council ⁴ [under rule 24 or] on appeal ; in the event of the amount of any tax being ⁵ [reduced] or remitted by the council, the ⁶ [executive authority] shall grant a refund accordingly.

28. 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 council 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.]

⁸ [28-A. (1) The powers of the council under rules 4, 23 and 24, shall during any period in respect of which the ⁹ (State 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 words

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).

² This expression was inserted by section 157 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

³ These words and figures were substituted for the word and figure " rule 3 " by section 158 (i), *ibid.*

⁴ These words and figures were inserted by section 158 (ii), *ibid.*

⁵ This word was substituted for the word " decreased " by section 158 (i), *ibid.*

⁶ These words were substituted for the words " the adjudication of an appeal by the council " by section 159 (1), *ibid.*

⁷ This proviso was added by section 159 (2), *ibid.*

⁸ This rule was inserted by section 160, *ibid.*

⁹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

¹“(executive authority)” in clause (b) of rule 26, the words ‘special officer appointed by the ² (State 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 ¹ (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 ¹ (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 ² (State Government) may, in consultation with the council, fix. If a Government servant is appointed special officer, the council shall also ³ (make such contribution towards the pension and leave allowances of that servant as may be required, by the conditions of his service under the ⁴ [Government] to be made by him or on his behalf.)]

Collection of taxes.

[See section 124.]

29. ⁵ [(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 ¹ (executive authority) shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 30.]

(2) ⁶ [A notice under section 95, 102, or 108 and a bill under sub-rule (1)] shall be signed by the ¹ [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

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 “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ These words were substituted for the words “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” by the Adaptation Order of 1937.

⁴ This word was substituted for the word “Crown” by the Adaptation Order of 1950.

⁵ This sub-rule was substituted for the original sub-rule by section 161 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ These words and figures were substituted for the words “Such bill” by section 161 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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 ² (shall not be recovered in the manner laid down in rule 30):

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.]

³ [(4) Nothing contained in this rule or in rule 30 shall preclude the council from suing in a civil court for any tax due to it under this Act.]

30. (1) If the amount due on account of any tax is not paid within fifteen days from the service ⁴ [. . .] of the notice, ⁵ [. . .] 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 ⁶ [executive authority] why it should not be paid, the ⁶ [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 ⁶ [executive authority] may prosecute the defaulter before a magistrate.

Central
Act V of
1908.

¹ This sub-rule was inserted by section 171 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words and figures were substituted for the words "shall not be demanded" by Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part I-A of the *Fort St. George Gazette*, dated the 2nd July 1940 and re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ This sub-rule was added by *ibid.*

⁴ The words "or sending" were omitted by section 162 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ The word "table" was omitted by *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).

¹ [.]

(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 ² [shall be levied].

(5) Under a special order in writing of the ³ [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:

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, 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

(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 :

⁵ [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 ⁶ [equal in value to the tax], due by the defaulter together with all

¹ Sub-rule (3) was omitted by Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part I-A of the *Fort St. George Gazette*, dated the 2nd July 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² These words were substituted for the words "shall be leviable" by section 162 (iii), 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 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).

⁵ This proviso was added by section 163 (i) (b), *ibid.*

⁶ These words were substituted for the words "proportionate in value to the sum" by section 163 (ii), *ibid.*

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 ¹[executive authority], the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the ¹[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 ¹[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 ¹[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.

(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.

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).

34. The property of a person in default under ¹ [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 ² [remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30], the ³ [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 ⁴ [not being less than fifteen days] and if the occupier fails to comply with ⁵ [such requisition], the ³ [executive authority] may distrain and sell any movable property ⁶ [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.

⁷ [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) of rule 30 and if such person has left ⁸ [] 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.]

⁹ [36. (1)] Every person who is prosecuted ¹⁰ [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

¹ These words and figures were substituted for the word and figures, "rule 30" by section 165 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words, brackets and figures were substituted for the words and figures "remains unpaid at the end of the period mentioned in rule 30" by section 166 (i), *ibid*.

³ 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).

⁴ These words were inserted by section 166 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ These words were substituted for the words "this requisition" by section 166 (iii), *ibid*.

⁶ These words were substituted for the words "found on the premises" by section 166 (iv), *ibid*.

⁷ This rule was inserted by section 167, *ibid*.

⁸ The word "British" was omitted by the Adaptation (Amendment) Order of 1950.

⁹ Rule 36 was renumbered as sub-rule (1) of rule 36 by section 168 (1) of Madras Act X of 1930, *ibid*.

¹⁰ These words and figures were substituted for the words and figures "under rule 30" by section 168 (1) (i), *ibid*.

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained ¹ [. . .].

² [(c) * * * * * .]

³ [(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.]

⁴ [36-A. Neither the ⁵ (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 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 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 ⁶ [State 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 ⁶ [State 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

¹ The words "and he shall also pay the said amount and the costs of the prosecution" were omitted by section 168 (1) (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² Clause (c) was omitted by section 168(1) (iii), *ibid.*

³ This sub-rule was added by section 168 (2), *ibid.*

⁴ This rule was inserted by section 169, *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 "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

other undertakings for lightings 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[State 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[State 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 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 municipality and other measures of a like nature;

(b) the construction and maintenance of lunatic asylums;

(c) the construction, establishment and maintenance, supervision and control of public markets and slaughter-houses; ²[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;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 170 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930.)

(d) the cleansing 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; ¹ [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;

(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

¹ These words were added by section 170(ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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 ² [State Government and of the Central Government] 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 the removal of rubbish and offensive matter or for any of the other purposes of this Act;

(b) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby;

(c) carry and convey passengers and goods upon any such railway;

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).

² The words "Provincial Government and of the Federal Railway Authority or the Central Government" were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950 and the words "the Federal Railway Authority or" were omitted by the Adaptation (Amendment) Order of 1950.

(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;

(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.

¹ [42-A. The municipal council

(1) shall make provision for the construction, maintenance, diversion and improvement of streets, bridges,

¹ This rule was inserted by Local Administration Department Notification No. 542, dated the 12th May 1941, published at page 348 of Part I-A of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

causeways, culverts and the like to such extent as the ¹ [State] Government consider necessary and practicable; and

(2) shall not divert such provision to other purposes without the express sanction of the ¹ [State] Government].

43. (1) Expenditure on the following objects is obligatory subject to special directions that the ² [State 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;
- (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 ³ [the Government] or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by *ibid.*

³ The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by *ibid.*

¹ [(o) payment of such contribution towards the cost of training Commissioners of Municipalities as may be fixed by the ² [State] Government.

Explanation.—The cost of training Commissioners may include the whole or such part as the Government deem equitable, of the pay, pensionary or provident fund contribution and leave and other allowances, if any of the officers and servants of the ³ [Government] or of any other authority employed and other incidental expenses incurred in connexion with such training.]

⁴ [(p) payment of travelling allowance of a person appointed as Commissioner of the municipality in respect of his journey to join the appointment.

(q) all other objects declared obligatory by law or rule.]

(2) The ⁵ [State 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 ⁵ [State 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

¹ Original clause (o) was re-lettered as clause (p) and a new clause (o) was inserted by Local Administration Department Notification No. 985, dated the 28th August 1940, published at page 634 of Part I-A of the *Fort St. George Gazette*, dated the 3rd September 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word was substituted for the word "Crown" by *ibid.*

⁴ Original clause (p) was re-lettered as clause (q) and a new clause (p) was inserted by Local Administration Department Notification No. 1165, dated the 11th November 1941, published at page 866 of Part I-A of the *Fort St. George Gazette*, dated the 25th November 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(9) 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 dispensary if the ¹[State Government] so direct provided that the ¹[State Government] shall not so direct until the council shall have had an opportunity of submitting its views on the subject to the ¹[State 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[State 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[State Government], may from 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[State 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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 [State 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 [State 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 [State 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 municipal council to make such grant to such school; and the council shall make it accordingly; provided that the ¹ [State Government] shall not so direct until the council shall have had an opportunity of submitting its views on the subject to the ¹ [State 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 [State Government].

51. (1) The council shall, unless otherwise provided by any law for the time being in force, or in the case of elementary

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "he may direct" by the Schedule to the Madras District Municipalities (Amendment) Act, 1939 (Madras Act X of 1939).

schools exempted by the ¹ [State 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 ¹ [State 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 ¹ [State 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 [State Government].

Extraordinary expenditure.

53. A municipal council may, with the sanction of the ¹ [State Government],

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the municipality;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹[or India] 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) ²[defray] 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 ³[State Government], in a bank:

Provided that the municipal council may, with the sanction of the ³[State 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 ³[State Government].

55. (1) ⁴[All orders or cheques against the municipal fund shall be signed by the ⁵[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.

¹ These words were substituted for the words "India or the Empire" by the Adaptation (Amendment) Order of 1950.

² This word was inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This sentence was substituted for the original first two sentences by section 172 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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).

(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 [State Government] ² [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.

57. The auditors may—

⁴ [(a) by summons in writing, require the production of any book, deed, contract, account, voucher, receipt or other document the perusal or examination of which they consider necessary];

(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 for such loss or waste; and

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² 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).

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 clause was substituted for the original clause by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part I-A of the *Fort St. George Gazette*, dated the 4th July 1939.

(d) submit to the council a final statement of the audit and a duplicate copy thereof to the ¹[State Government] within a period of three months from the end of the financial year, or within such other period as the ¹[State 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 ³[deficiency, loss or unprofitable outlay 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.

⁴[*Explanation.*—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred but for the negligence or misconduct of some other 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 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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 "deficiency or loss incurred" by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part I-A of the *Fort St. George Gazette*, dated the 4th July 1939.

⁴ This Explanation was added by Local Administration Department Notification No. 427, dated the 22nd June 1943, published at page 242 of Part I-A of the *Fort St. George Gazette*, dated the 6th July 1943, re-enacted permanently by Local Administration Department Notification dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

¹ [61. (1)] 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 ² [State Government] who shall pass such orders as they think fit.

³ [Where an application is made to the court under clause (a), the auditor shall be the sole respondent thereto, and the applicant shall not be entitled to make either the Government of Madras or any other person a party to the proceedings.]

¹ [(2) From any decision of the court under clause (a) of sub-rule (1), an appeal shall lie to the High Court.]

62. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the ⁴ [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 ² [State Government] against the decision; and such sum if not so paid, or such sum as the court or the ² [State Government] shall declare to be due, shall be recoverable on an application made by the ⁴ [executive authority], to the court in the same way as an amount decreed by the court.

¹ Rule 61 was re-numbered as sub-rule (1) of that rule and to the rule as so re-numbered new sub-rule (2) was added by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part I-A of the *Fort St. Gazette*, dated the 4th July 1939.

² The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This paragraph was inserted by Local Administration Department Notification No. 307, dated the 6th November 1937, published a page 587 of Part I-A of the *Fort St. George Gazette*, dated the 9th November 1937.

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)

¹ [63. Notwithstanding anything contained in these rules the ² [State] Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by auditors under this Act shall be waived if in their opinion such a course is necessary considering all the circumstances of the case.]

³ [APPENDIX A.

Distrainment 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 distrainment 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 distrainment; and if within seven days next after such distrainment, 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 distrainment, 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, 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 distrainment will be deducted and credited to the municipal fund, and the surplus,

[* Three days in case of tax on servants.]

¹ This rule was added by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part I-A of the *Fort St. George Gazette*, dated the 4th July 1939.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ 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).

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 .]

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 ending 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 .]

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).

¹ [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.]

SCHEDULE V.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE UNDER SECTION 249.

[See section 249.]

² [(a) Washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping 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;

¹ 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).

² This clause was substituted for the original clause by the Health Department Notification, dated the 27th November 1951, published at page 286 of Rules Supplement to Part I-A of *Fort St. George Gazette*, dated the 4th December, 1951.

- (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; ² [manufacturing beedies or cigars];
- (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 aerated waters;
- ³ [(mm) brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not), by distillation;]
- (n) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal;
- ⁴ [(o) selling wholesale or retail, or storing for wholesale or retail trade or for purposes other than private or

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 These words were substituted for the words 'manufacturing beedies' by Public Health Department Notification No. 293, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

³ This clause was inserted by Public Health Department Notification No. 381, dated the 18th October 1946, published at page 319 of Part I-A of the *Fort St. George Gazette*, dated the 26th November 1946.

⁴ This clause was substituted by Public Health Department Notification No. 30, dated the 18th December 1944, published at page 18 of Part I-A of the *Fort St. George Gazette*, dated the 23rd January 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949, for clause (o) as amended by Public Health Department Notification No. 58, dated the 18th January 1944, published at page 43 of Part I-A of the *Fort St. George Gazette*, dated the 15th February 1944 and Public Health Department Notification No. 176, dated the 15th April 1944, published at page 108 of Part I-A of the *Fort St. George Gazette*, dated the 25th April 1944, which were re-enacted permanently by Public Health Department Notification, dated the 28th March 1949, referred to above.

domestic use, grain, groundnut, ¹ (tamarind), chillies, jaggery, pulses, flour, bran, oil-cakes or agricultural produce which is likely to attract rats;]

(p) ² [manufacturing jaggery, sugarcandy or syrup otherwise than as a cottage industry by tappers or persons in enjoyment of the trees carried on in their own premises;]

³ [(q) storing any explosive or combustible materials:]

⁴ [Provided that no licence shall be required for storing petroleum and its products in quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder;]

Central
Act XXX
of 1934.

⁵ [(qq) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;]

(r) manufacturing anything from which offensive or unwholesome smells arise;

¹ This word was inserted by Public Health Department Notification No. 254, dated the 12th June 1945, published at page 146 of Part I-A of the *Fort St. George Gazette*, dated the 19th June 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

² This clause was substituted by Public Health Department Notification, dated the 31st March 1949, published at page 33 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949, for clause (p), as amended by Public Health Department Notification No. 424, dated the 23rd October 1943, published at page 384 of Part I-A of the *Fort St. George Gazette*, dated the 23rd November 1943, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

³ Clauses (q), (r) (s) and (t) were substituted for the original clause (q) by section 174 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This proviso was added by Public Health Department Notification No. 425, dated the 29th September 1944, published at page 253 of Part I-A of the *Fort St. George Gazette*, dated the 31st October 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

⁵ This clause was inserted by Public Health Department Notification No. 176, dated the 15th April 1944, published at page 108 of Part I-A of the *Fort St. George Gazette*, dated the 25th April 1944, re-enacted permanently by *ibid.*

(s) using for any industrial purpose any fuel or machinery ¹ [other than such machinery as may, by notification, be exempted by the ² (State) Government from time to time]; and

(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:]

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, or coal or ³ [for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes when such storage or boiling, keeping or washing is] for private use:

⁴ [Provided further that no licence shall be required under this Act for a lodging house as defined in the Madras Public Health Act, 1939, if the keeper thereof has been registered under that Act.]

Madras
Act III
of 1939.

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.

¹ These words were inserted by Local Administration Department Notification No. 1171, dated the 17th November 1941, published at page 868 of Part I-A of the *Fort St. George Gazette*, dated the 25th November 1941, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ These words were substituted by Health Department Notification, dated the 27th November 1951, published at page 286 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 1st December 1951, for the words "when such storage or boiling" which were inserted by section 174 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This proviso was added by section 28 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

SCHEDULE VII.

ORDINARY PENALTIES.

[See section 313.]

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed
(1)	(2)	(3)	(4)
1[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 ³ [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	⁴ [(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.
⁶ [109	...	Failure to furnish lists of servants employed.	Fifty rupees.]
⁴ [* * *	* * * * *	*]
⁷ [127]	...	Trespassing on premises connected with the water-supply.	Fifty rupees.
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.

¹ This item was inserted by section 175(i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This figure was entered by section 175 (ii), *ibid*.

³ 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).

⁴ This figure was entered by section 175 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁵ This item was inserted by section 175 (iv), *ibid*.

⁶ The item relating to section 113 was omitted by Schedule I to the Madras Motor Vehicle Taxation Act, 1931 (Madras Act III of 1931).

⁷ 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).

. ORDINARY PENALTIES—*cont.*

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed (4)
140	(1)(b)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees.
142	...	Unlawful construction of building over public drain.	One hundred rupees.
143	¹ []	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.
² [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.
³ [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.
⁴ [*	*	* * * * *	* * *
⁵ [175	...	Failure to provide roads, etc., on building sites prior to disposal.	⁶ [Two hundred rupees.]

¹ The figure "(2)" was omitted by section 175 (vi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This item was substituted for the original item by section 175 (vii), *ibid.*

³ This item was inserted by section 175 (viii), *ibid.*

⁴ The entries relating to section 174-A were omitted by section 6 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

⁵ This item was inserted by section 175 (ix) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁶ These words were substituted for the word "Do" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

ORDINARY PENALTIES—*cont.*

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed (4)
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.
¹ [180]	...	Building wall or erecting fence etc., in a public street.	Do.
² [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.
³ [193 •	(5)	Constructing or reconstructing building contrary to declaration issued by council.	Two hundred rupees.]
³ [194	(1)	Failure to obey requisition to round or splay off buildings at corners of streets.	One hundred 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.
218	(1)	Failure to obey requisition to take down, repair or secure dangerous structure.	Five hundred rupees.

¹ These figures were substituted for the figures "183" by section 175 (x) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² This item was inserted by section 5 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

³ This item was inserted by section 175 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930)

ORDINARY PENALTIES—*cont.*

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed (4)
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.	Rs. 100].
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.	[Twenty rupees.] ²
231	...	Defiling water of tanks, etc. ...	[Fifty rupees.] ²
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 train, 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.

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 entries by section 175 (xii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930)

ORDINARY PENALTIES—*cont.*

Section or rule. (1)	Sub-section or clause. (2)	Subject (3)	Fine which may be imposed (4)
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.
	(4)	Failure to obey requisition to vacate overcrowded building or room.	Do.
239	...	Feeding animal on filth	Fifty rupees.
240	...	Unlawful keeping of animal so as to be a nuisance or ¹ [danger].	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 ² [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.
⁴ [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 ³ [] 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 unlicensed private market.	Twenty rupees.
264	...	Failure to obey direction to construct approaches, drains, etc., to private market or to pave them, etc.	Fifty rupees.

¹ This word was substituted for the word "dangerous" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951)

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 item was inserted by section 175 (xiii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

⁴ This item was inserted by section 5 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

⁵ The words "of food" were omitted by section 175 (XIV) 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)
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	...	¹ [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.]
* [270-B	...	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 ⁴ [section 274].	Five hundred rupees.
* [279	(1)	Opening, etc., without licence a new place for the disposal of the dead.	One hundred rupees.]
281	(3)	³ [Using or allowing the use] of burial or burning ground which has not been registered, licensed 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.

¹ These words were substituted for the words "Sale of article in public streets" by section 175 (xv) (a) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These items were inserted by section 175 (xv) (b), *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 expression was 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).

⁵ This item was inserted by section 175 (xvii), *ibid.*

⁶ These words were substituted for the words "Use or allowance of use" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1.)	(2.)	(3)	(4)
291	(3)	Washing of infected articles at unauthorized places.	Fifty rupees.
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 [301]	...	Failure to give information of small-pox.	Do.
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.

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.*

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.
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.
¹ [167]]	...	Building within regular lines of street.	One hundred ... rupees.
* [*	* * * *]
² [175	...	Failure to provide roads, etc., on building sites prior to disposal.	Five 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.

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 The entries relating to section 174-A were omitted by section 6 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

³ This item was inserted by section 29 of the Madras District Municipalities (Third Amendment) Act, 1942 (Madras Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
¹ [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.	² [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.	Ten rupees.
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.
240	...	Unlawful keeping of animal so as to be a nuisance or ³ [danger.]	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.

¹ This item was inserted by section 176 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

² These words were substituted for the word "Do." by section 176 (iv), *ibid.*

³ This word was substituted for the word "dangerous" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section or ru.e.	Sub- section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
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 with out 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, fishmonger'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.]
⁴ [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 Sched- ule IV.	...	Failure to obey requisition by auditors to attend, give evidence or produce document.	Twenty-five rupees.

¹ These words were substituted for the word "chairman" by section 17 (x) 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.*

¹[SCHEDULE IX.

LIST OF MUNICIPALITIES FOR WHICH COMMISSIONERS SHALL
BE APPOINTED.

[See sections 3 (8-C) and 12-C.]

(1) Coimbatore, (2) Kumbakonam, (3) Madurai, (4) Ootacamund, (5) Salem, (6) Tanjore, (7) Tiruchirappalli, (8) Tuticorin, (9) Gudiyattam, (10) Tirupattur, (11) Tiruvannamalai, (12) Vaniyambadi, (13) Vellore, (14) Walajapet, (15) Chidambaram, (16) Cuddalore, (17) Villupuram, (18) Chingleput, (19) Kancheepuram, (20) Dharapuram, (21) Erode, (22) Pollachi, (23) Tiruppur, (24) Udamalpet, (25) Bodinayakanur, (26) Dindigul, (27) Kodaikanal, (28) Paldi, (29) Periyakulom, (30) Coonoor, (31) Devakottai, (32) Karaikudi, (33) Sivakasi, (34) Srivilliputtur, (35) Virudhunagar, (36) Mannargudi, (37) Mayuram, (38) Nagapattinam, (39) Tiruvarur, (40) Palayamkottai, (41) Tirunelveli, (42) Srirangam, (43) Karur, (44) Ambur, (45) Aruppukottai, (46) Tiruvallur, (47) Melapalayam, (48) Mettupalayam, (49) Rasipuram, (50) Pudukkottai, (51) Tindivanam, (52) Gobichettipalayam, (53) Rajapalayam, (54) Arni.]

¹ This Schedule was substituted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957, for items (1) to (61) of Schedule IX, substituted for the original Schedule by the Madras Adaptation of Laws Order, 1954.

THE MADRAS TOWN-PLANNING ACT, 1920.

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MADRAS ACT No. VII OF 1920¹

[THE MADRAS TOWN-PLANNING ACT, 1920]

(Received the assent of the Governor on the 7th August 1920, and that of the Governor-General on the 25th August 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 7th September 1920.)

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;

Preamble.

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.

1. (1) This Act may be called the Madras Town-Planning Act, 1920.

Short title and extent.

(2) It shall extend to the whole of the Madras Presidency.

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

Definitions.

(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.

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 9th March 1920, pages 298-99; for Report of Select Committee, see *ibid*, dated 15th June 1920, pages 759-94; and for Proceedings in Council, see *ibid*, dated 15th June 1920, pages 819-23, and *ibid*, dated 2nd November 1920, pages 1333-67.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957), repealing the corresponding law in force in that territory.

(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.]

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;

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 for the original clause by section 4 (i), *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 *ibid.*

(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 ¹[.], 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 ¹[.];

(m) the preservation of objects and buildings of archaeological 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, ²[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 ³[Madras Local Boards Act, ⁴(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 ⁵[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.

⁶ [(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

¹ The words “for the poorer and working classes” were omitted by section 4 (iv) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² These words were inserted by section 4 (v), *ibid.*

³ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

⁴ The figures “1920” were substituted for the figures “1884” by section 4 (iv) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁵ These words were inserted by section 4 (vi), *ibid.*

⁶ Clause (q) of section 4 was relettered as clause (r) and a new clause (q) was inserted by section 4 (vii), *ibid.*

Madras Act IV of 1919.
Madras Act V of 1920 and Madras Act XIV of 1920.

Madras Act I of 1908.

Madras Act I of 1908.

amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the scheme];

¹ [(r)] such other matters not inconsistent with the objects of this Act as may be prescribed.

Reconstituted plots.

5. (1) ² [.] 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;

(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.

³ [6. * * * * *]

CHAPTER III.

MAKING, VARIATION AND REVOCATION OF SCHEMES AND THEIR EFFECT.

Appointment of Director of Town-Planning.

7. (1) The ⁴ [State Government] may appoint a person to be Director of Town-Planning for the ⁵ [State] 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 ⁴ [State 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 ⁴ [State Government] whose decision shall be final.

¹ Clause (q) of section 4 was relettered as clause (r) and a new clause (q) was inserted by section 4 (vii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "In the scheme" were omitted by section 5, *ibid*.

³ Section 6 was omitted by section 6, *ibid*.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This word was substituted for the word "Province" by the Adaptation Order of 1950.

¹[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 ²(State Government) a general town-planning scheme in respect of all land within the municipality and in its vicinity unless the ²(State Government) order otherwise.

Obligation on certain councils to make schemes not later than the 31st March 1934.

(2) Notwithstanding anything contained in sub-section (1), the ²(State Government) may, after making such enquiry as they may deem necessary by notification in the ³(Official 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.

(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.]

9. ⁴ [(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.]

Declaration of intention to make or adopt scheme.

(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 :

• ⁵ [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:]

¹ Section 8 was substituted for the original section by section 7 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

⁴ Sub-section (1) of section 9 was substituted for the original sub-section by section 8 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁵ This proviso was inserted by section 8 (ii), *ibid*.

Provided ¹ [further] that, where such concurrence is refused, the ² [State 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 ² [State Government] as to whether any land is in the vicinity of a municipal area, shall be final.

Resolution to make or adopt scheme.

³ [10.] The resolution under section 9 shall be published by notification in the proscribed 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.

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, ⁴ [.], or within such further period, not exceeding twelve months, as the ² [State Government] may allow, and after consulting, in the prescribed manner, the owners of lands and buildings in the area affected, prepare, ⁵ [.] and publish a draft scheme.

(2) If the resolution is to adopt a draft scheme proposed by owners, the council shall, without delay ⁶ [.] publish such scheme.

Power of State Government to require council to make scheme.

12. Notwithstanding anything contained in ⁷ [sections 9 to 11], the ² [State Government] may, in respect of any municipality, after making such inquiry as they may deem necessary, by notification in the ⁸ [Official Gazette], require the council, before a fixed date, ⁹ [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.

¹ This word was inserted by section 8 (ii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ 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 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁴ The word, figure and brackets "sub-section (3)" were omitted by section 10 (i), *ibid.*

⁵ The word "print" was omitted by *ibid.*

⁶ The words "print and" were omitted by section 10 (ii), *ibid.*

⁷ These words and figures were substituted for the words and figures "sections 8 to 11" by section 11 (i), *ibid.*

⁸ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁹ These words were substituted for the words "to prepare, print and submit for their sanction a scheme" by section 11 (ii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

13. ¹ [(1)] Every draft scheme shall contain the following particulars:—

Contents of
draft
scheme.

(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;

² [(d) a full description of all details of the scheme under such clauses of section 4 as may be applicable;]

³ [.]

(f) an estimate of the ⁴ [.] cost of the scheme;

⁵ [(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 ⁶ [State Government].

⁷ [(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.

(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.]

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.

Sanctioning
of scheme by
State
Government.

¹ Section 13 was renumbered as sub-section (1) of section 13 by section 12 (1) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² Clause (d) was substituted for the original clause by section 12 (1) (a), *ibid.*

³ Clause (e) was omitted by section 12 (1) (b), *ibid.*

⁴ The word "net" was omitted by section 12 (1) (c), *ibid.*

⁵ Clause (g) was substituted for the original clause by section 12(1) (d), *ibid.*

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ 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) The scheme as passed or adopted by the council together with all written objections and suggestions shall thereupon be submitted to the ¹[State Government] for sanction ²[and the fact of such submission shall be published in the prescribed manner.]

³ [(3) The ¹(State 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 ¹(State Government), verbal or inconsequential, the ¹(State 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 ¹(State Government) within three months from the date of its receipt and the ¹(State 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 ¹(State Government) may, in relation to the scheme, pass such orders as they may deem fit.]

⁴ [(4) When a scheme returned for reconsideration is modified by the council, the scheme as so modified shall before resubmission to the ¹(State 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 ¹(State Government), of sufficient importance to require the following of this procedure.]

⁴ [(5)] The sanction of the ¹[State Government] to a scheme under sub-section (3) shall be published by notification

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were added by section 13 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

³ Sub-section (3) was substituted for the original sub-section by section 13 (ii), *ibid.*

⁴ 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), *ibid.*

in the ¹[Official Gazette], and such notification shall state at what place and time the scheme will be open to the inspection of the public.

²[(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.]

³[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: Variation or revocation of schemes.

Provided that the municipal council shall be competent to modify a scheme after it has been sanctioned by the ⁴(State Government) under section 14 by an agreement entered into with the persons interested in the scheme and with the concurrence of the ⁴(State Government).

(2) (a) The ⁴(State Government) may, at any time, by notification in the ¹(Official Gazette), vary or revoke a scheme sanctioned under section 14.

(b) Before issuing such notification the ⁴(State Government) shall publish in the prescribed manner a draft of such notification together with a notice specifying a date on or 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.]

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. Limitation of compensation payable to person affected by variation or revocation of scheme.

¹ These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

² 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).

³ Section 15 was substituted for the original section by section 14, *ibid*.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 ⁴ [State 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 responsible authority to enforce scheme.

19. (1) On and after the day on which the scheme comes into force, the ⁵ [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

(b) to execute within a specified period any work which it is the owner's duty to execute under the scheme where the ⁵ [responsible authority] is of opinion that delay, in the execution of the work would prejudice the efficient operation of the scheme.

(2) The ⁵ [responsible authority] shall serve a copy of the provisional order made under sub-section (1) on the

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 These words were inserted by section 15 (ii), *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted for the word "chairman" by section 16 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

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.

¹ [(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 ² [State Government] against the order of the responsible authority and their decision shall be final.]

CHAPTER IV.

COMPENSATION FOR INJURIOUS AFFECTION AND CONTRIBUTION FOR BETTERMENT.

20. Any person whose property is injuriously affected by any refusal ² [. . .] 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 ³ [State Government] sanctioning the scheme under section 14, be entitled to obtain compensation in respect thereof from the municipal council.

Right to compensation.

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:

No right to compensation for building, etc., subsequent to first notification.

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.

¹ This sub-section was substituted for the original sub-section by section 16 (ii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "of the municipal council" were omitted by section 17 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

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 ² (State 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 ² (State 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 ² (State 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 ² (State 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 ³ [the value of any property has increased or is likely to

¹ Section 22-A was inserted by section 19 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "any property is increased in value" by section 20 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

increase], the municipal council, if it makes a claim for the purpose within the time (if any) limited by the scheme ¹ [not being less than three months] after the date of publication of a notification of the ² [State 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.

24. The betterment contribution shall be levied according to the following principles :—

Betterment
contribution
how calcu-
lated.

(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, ³ [. . . .] 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, ⁴ [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.

¹ These words were substituted for the words "not being later than six months" by section 20 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The word, figure and brackets "sub-section (1)" were omitted by section 21 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁴ This expression was substituted for the word, figure and brackets "sub-section (5)" by section 21 (ii), *ibid.*

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 ¹ [State 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 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 ² [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]:

Central Act I of 1894.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words 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).

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.

¹ [27. (1) After a scheme has been sanctioned the ² (State 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:—

State Government to appoint arbitrator.

(a) to pass such orders as may be required under clauses (a) to (d) of sub-section (2) of section 5;

(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 ³ (State Government) and, on such approval being given, shall be deemed, to the extent mentioned in such decision, to have varied the sanctioned scheme.]

¹ This section was substituted for the original section by section 22 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

Central Act V⁷ of 1908.

(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 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 ³ [State 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 ³ [State Government] may frame in this behalf, be supplied out of the general municipal fund or out of moneys borrowed in pursuance of this Act.

¹ This section was substituted for the original section by section 23 of the Madras Town-Planning (Amendment) Act, 1930 (Madras II of 1930).

² This section was substituted for the original section by section 24, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(3) Separate accounts shall be maintained by each municipal council for its town-planning fund.

Central
Act IX of
1914.

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.

Power to
borrow.

¹ [32. * * * *]

CHAPTER VII.

LAND ACQUISITION.

Central
Act I of
1894.

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, ² [and may be acquired—

Modification
of Land
Acquisition
Act.

(a) under the said Act, or

(b) under the said Act as modified in the manner herein-after provided in this chapter.]

Central
Act I of
1894.

34. ³ [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 ⁴[State 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.

Notification
under
section 14 to
have effect
as declara-
tion under
section 6,
Land
Acquisition
Act.

Central
Act I of
1894.

35. (1) The provisions of sections 15, 23 and 24 of the Land Acquisition Act, 1894, shall have no application ⁵ [in cases falling under clause (b) of section 33.]

Sections 15,
23 and 24 of
Land
Acquisition
Act
superseded.

¹ Section 32 was omitted by the Adaptation Order of 1937.

² These words, letters and brackets 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).

³ This expression was substituted for the word and figures "Notwithstanding anything in the Land Acquisition Act, 1894, a notification under section 14 shall operate" by section 4, *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This expression was substituted for the words "in the acquisition of property for the purposes of this Act" by section 5 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(2) ¹ [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 ² [. . .] 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;

(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) ³ [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 ;

¹ These words 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 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 This expression was 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).

(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 ¹[.] under section 17;

(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) ² [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.

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 ³ [State 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:

Power of
councils to
make
agreements.

Provided that if the agreement be modified by the ³ [State Government], either party shall have the option of avoiding it if he so elects within the prescribed period.

37. Subject to such rules as the ³ [State Government] may make in this behalf, a municipal council may appoint

Town-
planning
committee.

¹ The words "from the municipal council" were omitted by section 25 (ii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² This expression was 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).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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, ¹ [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:

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 members of such committee.

Joint town-planning committee.

² [38. (1) Subject to such rules as the ³ (State Government) may make ⁴ [in this behalf,] a municipal council may, and if so required by the ³ (State 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 to wn-planning scheme or for any purpose connected with to wn-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 ³ [State 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 ³ (State Government) may make rules to provide for—

(a) the total number of members of the joint committee;

¹ 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).

² This section was substituted for the original section by section 27, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "on this behalf" by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

(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.

(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 ¹ (State Government) whose decision shall be final.

(6) If the ¹ (State 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.]

39. (1) The ¹ [State Government] may, by notification in the ² [Official Gazette], extend any provision of this Act to any ³ [panchayat or non-panchayat area in which the

Extension of provisions to panchayats and other areas.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

³ These words and figures were substituted for the words and figures "union or other local area in which the Madras Local Boards Act, 1920, is in force" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

Madras Village Panchayats Act, 1950, or the Madras District Boards Act, 1920 is in force] and may declare its extension to be subject to such restrictions and modifications as they think fit.

Madras Act X of 1950.
Madras Act XIV of 1920.

(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 ¹ [State Government] may also, by notification in the ² [Official Gazette], extend to the ³ [panchayat or non-panchayat 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.

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act X of 1950.
Madras Act XIV of 1920.

Relation of municipal authorities to those of panchayat or other areas included in scheme.

40. When any ⁴ [panchayat or non-panchayat area in which the Madras Village Panchayats Act, 1950, or the Madras District Boards Act, 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 powers given to them by this Act or the scheme, and the ⁵ [authorities of the panchayat or district 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 State 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 ¹ [State Government] whose decision shall be final.

Power of control of State Government.

42. (1) If the ¹ [State 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—

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

³ These words were substituted for the words "union or other local area" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁴ These words and figures were substituted for the words and figures "union or other local area in which the Madras Local Boards Act, 1920, is in force" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁵ These words were substituted for the words "authorities of the union or local board" by *ibid*.

(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 ¹[State Government], the ¹[State Government] may, as the case may require, order the municipal council to prepare and submit for the approval of the ¹[State 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 ¹[State 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 ¹[State Government] think fit, and thereupon the scheme shall have effect as if it had been adopted by the municipal council and sanctioned by the ¹[State Government].

(2) If the ¹[State Government] are satisfied after giving the municipal council ²[or the responsible authority as the case may be] an opportunity of explanation, that a municipal council ²[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 which under the scheme or this Act the council ²[or the responsible authority] is required to execute, the ¹[State Government] may order the council ²[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 ²[or the responsible authority] is required to execute.

(3) For the purposes of this section the ¹[State 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 ³[sections 34 and 39 of the Madras District Municipalities Act, 1920], as the case may be.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 29 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

³ These words and figures 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).

Power of entry, etc.

43. For the purpose of the making or execution of any town-planning scheme, the municipal authorities ¹[or the responsible authority] or persons appointed by the ²[State 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 ¹[or the responsible authority] or persons appointed by the ²[State Government], their officers, servants, or contractors, shall be liable to the same penalties.

Madras Act IV of 1919.
Madras Act V of 1920.

Power of State Government to make rules.

44. (1) The ²[State 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 ²[State Government] shall have power to make rules in respect of the following matters:—

(a) the manner of publication of the notifications under section 10, ³[.], and of the draft scheme under section 11;

(b) the further particulars or plans for inclusion in schemes under section 4, ⁴[clause (r)], and section 13, ⁵[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 the property or both;

¹ These words were inserted by section 30 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words, figures and brackets "sub-sections (1) and (3)" were omitted by section 31 (i) (a) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁴ This expression was substituted for the word, letter and brackets "clause (g)" by section 31 (i) (b), *ibid.*

⁵ This expression was inserted by *ibid.*

(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 ;

¹[* * * * *]

(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, ² [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 ³ [State Government] to act ⁴ [. . .] in the case of default or dilatoriness ⁵ [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 ⁶ [and responsible authorities] ;

¹ Clause (h) was omitted by section 31 (i) (c) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² These words were inserted by section 31 (i) (d), *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "in the place of a council" were omitted by section 31 (i) (e) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

⁵ These words were substituted for the words "on the part of the latter" by *ibid.*

⁶ These words were inserted by section 31 (i) (f), *ibid.*

¹ [(p) * * * * *]

(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;

² [(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;

(v) matters other than those referred to in the foregoing clauses which are expressly required or allowed by this Act to be prescribed.]

³ [(3) In making any rule, the ⁴ (State 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.

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 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.

¹ This clause was omitted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

² Clauses (u) and (v) were added by section 31 (i) (g) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

³ This sub-section was substituted for the original sub-section by section 31 (ii), *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ Sections 44-A and 44-B were inserted by section 32 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(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.

45. (1) When the ¹[State 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 ²[Official 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.

Creation of town-planning trusts.

(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.

46. (1) The trust shall consist of—

(a) a chairman appointed by the ¹[State Government];

Constitution of trusts.

(b) persons elected by the members of the municipal council or of other local authorities or both; and

(c) persons appointed by the ¹[State 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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

(3) The [State 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 ¹[State 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 ¹[State 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 ¹[State Government]. No other trustee shall receive any salary or other remuneration from the funds of the trust.

Removal
of trust-
tees.

48. (1) The ¹[State 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, ²[1898] 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 ¹[State 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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The figures "1898" were inserted by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

(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 ¹[State Government], may fix in this behalf.

(2) The ¹[State 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 ¹[State 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.

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. Disabilities of trustees removed under section 48.

(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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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 ¹ [State 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.

Central Act IX of 1914.

Payment to trust by municipal councils

² [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 ¹ [State 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 ¹ [State 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.

Central Act IX of 1914.

(2) Whenever the chairman of a municipal council has made any payment to the Accountant-General under sub-section (1) the ¹ [State 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 ¹ [State Government] under this Act, and

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950

² This section was inserted by section 33 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(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,

the municipal council, after obtaining the assent of the trust, or failing such assent, the assent of the ¹ [State 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 foot-paths 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 ¹ [State Government], whose decision shall be final.

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 ¹ [State Government], unnecessary, the ¹ [State 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.

Ultimate dissolution of trust, and transfer of its assets and liabilities to the municipal council.

(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

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(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
State
Government
to make
rules for
trusts.

54. (1) The ¹[State Government] shall have power, ²[. . .], 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 ¹[State Government], make by-laws consistent with this Act and with any rules made thereunder for carrying out the purposes of this Act.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² 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).

¹[CHAPTER X.

TRANSFER OF PROCEEDINGS.

55. (1) The ² (State Government) may, by notification and from a date to be specified in such notification, transfer the proceedings commenced under this Act in respect of any land by any authority having jurisdiction to any other authority having jurisdiction over such land. Transfer of proceedings from one authority to another.

(2) Before issuing a notification under sub-section (1) the ² (State 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 ² (State 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 enforceable against the authority from whom the transfer is made, shall vest in or be enforceable against the authority to whom the transfer is made.]

¹ This chapter was inserted by section 35 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

THE MADRAS ELEMENTARY EDUCATION
ACT, 1920.

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MADRAS ACT No. VIII OF 1920.¹

[THE MADRAS ELEMENTARY EDUCATION ACT, 1920.]

(Received the assent of the Governor on the 12th October 1920, and that of the Governor-General on the 18th November 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 7th December 1920.)

Preamble. 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 [State Government] may, by notification, direct.
- Definitions. 3. In this Act, unless there is something repugnant in the subject or context,—
- ‘Attendance.’ (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 on each day of attendance as may be prescribed;
- ‘Director of Public Instruction,’ and ‘District Educational Officer.’ ³ [(ii) ‘Director of Public Instruction,’ ⁴ [and ‘District Educational Officer,’] mean such officer or officers as may be appointed by the ² [State Government] to perform the duties of Director of Public Instruction ⁵ [or District Educational Officer] as the case may be;]

¹ For Statement of Objects and Reasons, See Fort St. George Gazette, dated 9th March 1920, pages 311 and 312; for Report of the Select Committee, see *ibid*, dated 27th July 1920, pages 1251 to 1276; *ibid*, dated 3rd August 1920, pages 1277 to 1278; and *ibid*, dated 10th August 1920, pages 1281 and 1282; for Proceedings in Council, see *ibid*, dated 15th June 1920, pages 823 to 833; *ibid*, dated 2nd November 1920, page 1333; *ibid*, dated 30th November 1920, page 1514, and *ibid*, dated 18th January 1921, pages 108 to 211.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ This clause was substituted for the original clause (ii) by section 3 (i) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁴ These words were substituted for the words “‘District Educational Officer’ and ‘Inspectress of Girls’ Schools’” by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act, II of 1939).

⁵ These words were substituted for the words “‘District Educational Officer or Inspectress of Girls’ Schools’” by *ibid*.

1 [(iii) * * * * *]

Madras Act XIV of 1920.

(iv) 'district board' means district board constituted under the ² [Madras Local Boards Act, ³ (1920)];

'District Board.'

(v) 'elementary education' means education in such subjects and up to such standard as may be prescribed;

'Elementary education.'

(vi) 'elementary school' means a school or department of a school recognized as an elementary school ⁴ [by the Director of Public Instruction or by such authority as may be empowered by him in this behalf;]

'Elementary school.'

(vii) 'elementary school-place' means such accommodation and equipment as may be prescribed as necessary for a child of school-age;

'Elementary school-place.'

(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;

'Guardian.'

Madras Act V of 1920.

(ix) 'local authority' means a municipal council or a ⁵ [district board];

'Local authority.'

(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;

'Municipal council.'
'Municipality.'

Madras Act IV of 1919.

⁶ [(x-a) 'notification' means notification in the ⁷ [Official Gazette];

'Notification.'

Madras Act XIV of 1920.

(x-b) 'panchayat' means a panchayat constituted under the ² [Madras Local Boards Act, ³ (1920)];

'Panchayat.'

(xi) 'prescribed' means prescribed by ⁸ [this Act or by] rules made by the ⁹ [State Government] under this Act;

'Prescribed'

¹ Clause (iii) was omitted by section 2 (ii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), as the case may be.

³ These figures were substituted for the figures "1884" by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁴ These words were substituted for the words and figures "under section 41" by section 2 (iii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁵ 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).

⁶ 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).

⁷ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁸ These words were inserted by section 3 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(xii) 'public management' ¹[. . .] means management by the ²[State Government] or, by a local authority; all other management shall be deemed to be 'private management';

'Public management.'
'Private management.'

(xiii) 'school-age' means such age as the ²[State Government] may prescribe in respect of children of either sex in any local area or of any particular community.

'School-age.'

³ [* * * * *]

⁴ [CHAPTER II * * * * * .]

CHAPTER III.

ELEMENTARY EDUCATION FUNDS.

(1) *Their Constitution and Control.*

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—

Elementary education fund.

(i) the proceeds of any tax levied within the jurisdiction of such authority under the provisions of this Act;

⁵ [(*a*) an annual contribution from the general funds of such authority, not being less than a minimum fixed by the ²[State Government] in that behalf];

⁵ [(*b*) such additional contribution from the general funds of such authority as the ²[State 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 ²[State 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;

¹ The words "in relation to an elementary school" were omitted by section 3 (v) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act 1932).

² The words "Provincial" Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ Clause (xiv) was omitted by section 53 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ Chapter II was omitted by section 3 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁵ Clauses (i-a) and (i-b) were inserted by section 56 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934.)

(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.

33. (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the ¹ [State Government] may direct. Education fund where to be lodged and how to be drawn upon.

(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);

(b) all expenses incurred by the ¹ [State 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.*

² [34. (1) Any municipal council may, with the previous sanction of the ¹ [State Government] and shall, if so directed by them, ³ [levy within its area taxes at such rates as may be considered suitable, as an addition to 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. Education taxes

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

³ These words were substituted for the words "levy within its area taxes not exceeding twenty-five per centum of the taxation levied in the municipality" by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

¹[*Explanation.*—In construing the expression “taxation levied” occurring in this sub-section, exemptions granted under clause (a) of the proviso to section 102 of the Madras City Municipal Act, 1919, or under sub-sections (2), (3) or (4) of section 83 of the Madras District Municipalities Act, 1920, as the case may be, shall not be taken into account.]

Madras
Act IV
of 1919.
Madras
Act W
of 1920.

(2) Any district board may with the previous sanction of the ²[State Government], and shall, if so directed by them, ³[levy within its area or any part thereof taxes at such rates as may be considered suitable as an addition to 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 taxes
under sec-
tion 34.

⁴[⁵35. (1) The rates of levy of any tax under section 34 shall be determined—

(a) by the local authority with the previous sanction of the ²(State Government), in case the tax is levied by the local authority of its own motion ; and

(b) by the ²(State Government), in case the tax is levied at their direction :

Provided that the rates of any such tax levied as an addition to the taxation under the head of tax on companies or of profession tax shall be subject to the limits specified in any law for the time being in force governing the local authority or prescribed by rules made under this Act :

Provided further that the rates of any such tax levied by a municipal council as an addition to the taxation under the head of property tax shall not exceed five per centum per annum in the case of properties taxed on their annual value, one-fourth per centum per annum in the case of properties taxed on their capital value, and four rupees per annum for every 320 square yards or part thereof in the case of properties taxed on their extent :

¹ This Explanation was added by section 2 of the Madras Elementary Education (Amendment) Act, 1943 (Madras Act XXVIII of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

³ These words were substituted for the words “levy within its area or any part thereof taxes not exceeding twenty-five per centum of the taxation levied in such area or part” by section 2 (ii) of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

⁴ Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ This section was substituted by section 3 of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950) *ibid* for the original section 35 as substituted by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

Provided also that the rates of any such tax levied by a district board as an addition to the taxation under the head of land-cess shall not exceed three annas in the rupee of the annual rent value of the land.

(2) Subject to the provisos aforesaid, the local authority may, with the previous sanction of the ¹(State Government), and shall, if so directed by them, alter the rates of levy of any such tax.]

² [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:

Assessment and realization of taxes.

Provided that the ¹ [State 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 ³[Madras Local Boards Act, 1920]. Out of the proceeds of the tax so realised, 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 ⁴ [district board] concerned.]

Madras Act XIV of 1920.

⁵ [37. (1) When an elementary education fund is constituted under section 32 for a municipal council, the State Government shall contribute to such fund—

Government contribution to elementary education fund.

(i) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, sub-section (1), under the head of property tax ; and also

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was substituted for the original section 36 by section 6 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

³ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) or the Madras Village Panchayats Act, 1950 (Madras Act X of 1950.)

⁴ 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).

⁵ This section was substituted for the original section 37 by section 4 of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950) deemed to have come into force on the 1st day of April 1950.

(ii) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, sub-section (1), under the heads of tax on companies and profession tax, or a sum equal to ten per centum of the total taxation levied in the municipality under the said heads both under section 34, sub-section (1), and under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, whichever sum is less.

Madras
Act IV of
1919.
Madras
Act V of
1920.

(2) When an elementary education fund is constituted under section 32 for a district board, the State Government shall contribute to such fund a sum equal to fifty per centum of the proceeds of the taxation levied in the district board area under section 34, sub-section (2), under the head of land-cess:

Provided that if the rate of such taxation exceeds eighteen pies in the rupee of the annual rent value of the land, the State Government shall contribute to the fund only a sum equal to one-half of such portion of the proceeds as is attributable to the levy of the tax at the rate of eighteen pies in the rupee.

(3) If, in any year, the contribution made to an elementary education fund by the State Government under sub-section (1) or sub-section (2) is less than the contribution made to such fund in respect of the financial year 1949-50, the State Government shall pay the difference between the two amounts to such fund by way of additional contribution.

(4) The contribution payable to an elementary education fund under sub-sections (1) to (3) shall be in addition to, and not in lieu of, the amount of recurring expenditure incurred from the State funds during the financial year 1920-21 on education in elementary schools under public management situated within the municipality or district board area, as the case may be.]

(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 ¹[State Government] through ²[. . .] the Director of Public Instruction, in such forms as may be prescribed, a budget for the ensuing financial year showing the income and expenditure relating to such fund.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "the district educational council and" were omitted by section 4 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

(2) The ¹[State Government] may pass such orders as ²[they think fit] in respect of the budget and the local authority concerned shall be bound to carry out all such orders.

39. The accounts of each education fund shall be examined and audited by an officer appointed by the ¹[State Government] in this behalf, and the local authority concerned shall carry out any instructions which the ¹[State Government] may issue on the audit report. Audit of accounts of elementary education fund.

(4) *Saving Clause.*

40. Save as otherwise expressly provided by this Act, nothing in the Madras District Municipalities Act, 1920, or in the ³Madras Local Boards Act, ⁴[1920], or in the Madras City Municipal Act, 1919, shall effect any of the provisions of this ⁵[Act]. Saving clause.

Madras Act V of 1920.
Madras Act XIV of 1920.
Madras Act IV of 1919.

* [CHAPTER IV * * * *].

CHAPTER V.

COMPULSORY ELEMENTARY EDUCATION.

(1) *Introduction of Compulsion.*

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 ⁷[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— Local authority may resolve to make education compulsory.

(a) for all children of school-age, or

(b) for boys of school-age, or

(c) for girls of school-age, ⁸[or]

⁹[(d) for all children of school-age who have, for such period as may be prescribed attended an elementary school ; or

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "he thinks fit" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

³ Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) or the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), as the case may be.

⁴ These figures were substituted for the figures "1884" by section 7 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁵ This word was substituted for the word "Chapter" by *ibid*.

⁶ Chapter IV was omitted by section 5 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁷ These words were inserted by section 7 (1) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

⁸ The word "or" was added by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁹ Clauses (d), (e) and (f) were added by section 7 (ii) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

(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 ¹ [through the Director of Public Instruction] to the ² [State Government].

(2) The ² [State Government] may accept or reject any such resolution :

Provided that the ² [State 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

(b) the ² [State Government] ³ [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 ² [State 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 ² [State ment] 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 ² [State Government] may, by notification, vary the distance herein laid down for such period of time ⁴ [as they may think fit].

¹ These words were substituted for the words "through the district educational council" by section 6 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "is satisfied" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁴ These words were substituted for the words "as he may think fit" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

¹ [45-A. (1) The ² [State 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 ² [State Government] through ³ [. . .] the Director of Public Instruction.

Power of State Government to require local authorities to frame schemes for compulsory elementary education.

(2) The ² [State 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 ² [State Government] may themselves frame a scheme for such purposes.]

⁴ [46. If the ² (State Government) accept a resolution under sub-section (2) of section 45 or a scheme under sub-section (2) of section 45-A or frame a scheme under sub-section (3) of section 45-A, such resolution or scheme shall be notified in the ⁵ (Official 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].

Publication of resolution or scheme.

⁶ [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.

No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46.

(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

¹ Section 45-A was inserted by section 8 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "the district educational council and" were omitted by section 7 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁴ This section was substituted for the original section 46 by section 9 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

⁵ These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

⁶ This section was substituted for the original section 47 by section 10 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

of free places as may be fixed by ¹ (the District Educational Officer) 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 ² [State 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 ³ [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.

⁴ [* * * * *]

Attendance of child at school optional in certain circumstances.

50. Attendance at school shall not be compulsory in the following 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;

⁵ [(ii-a) if the child is receiving instruction in an unrecognized school or department of a school, provided the instruction imparted therein is declared to be satisfactory by a prescribed officer];

(iii) if the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer;

¹ These words were substituted for the words "the District Educational Council" by section 8 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 11 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁴ The second proviso to section 49 was omitted by section 10 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

⁵ This clause was inserted by section 5 of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

(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.*]

¹ [51. (1) In areas where education is made compulsory under this Act, ² [the District Educational Officer concerned], 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.

³ [(2) Against any order of a District Educational Officer 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 Director of Public Instruction who may confirm, reduce or cancel the penalty.]

(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.]

¹ [52. * * * * *]

⁴ [CHAPTER VI * * * * *]

CHAPTER VII.

MISCELLANEOUS.

⁵ [55. * * * * *]

56. (1) The ⁶ [State 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 State Government to make rules.

¹ Section 51 and the heading thereto were substituted for the original sections 51 and 52 and the heading thereto by section 11 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

² These words were substituted for the words "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" by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1946 (Madras Act VIII of 1946), re-enacted permanently by section 2 of the Madras Re-enacting Act, 1950 (Madras Act III of 1950). Madras Act VIII of 1946 came into force on the 1st June 1947.

³ This sub-section was substituted for the original sub-section (2) by section 2 (ii), *ibid.*

⁴ Chapter VI was omitted by section 9 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁵ This section was omitted by section 60 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(2) In particular and without prejudice to the generality of the foregoing provision ¹[they may make] rules—

² [(a) with reference to all matters expressly required or allowed by this Act to be prescribed] ;

³ [(aa)] declaring what shall constitute 'elementary education,' 'elementary school-place,' 'school-age' and 'attendance at school' ;

(b) declaring what schools ⁴[or departments of schools] shall be classed as elementary ⁵ [schools] ;

⁶ [(c) to (e) * * * * *] ;

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished ⁷ [. . .] by local authorities, ⁸ [by panchayats], ⁹ [and] by managers of elementary schools under private management ⁹ [. . .] ¹⁰ [and the time within which any statement, report, return, budget or other information shall be furnished] ;

(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.

¹¹ [(i) * * * * *] ;

¹² [(j) * * * * *] ;

¹ These words were substituted for the words "he may make" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² New clause (a) was inserted by section 13 (i), *ibid.*

³ Original clause (a) was re-lettered as clause (aa) by *ibid.*

⁴ These words were inserted by section 13 (ii), *ibid.*

⁵ This word was inserted by *ibid.*

⁶ Clauses (c), (d) and (e) were omitted by section 10 (i) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁷ The words "by district educational councils" were omitted by section 10 (ii), *ibid.*

⁸ These words were inserted by section 13 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁹ The word "and" was inserted before the words "by managers" and the words "and by attendance committees" were omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

¹⁰ These words were added by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act, II of 1932).

¹¹ Clause (i) was omitted by section 10 (iii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

¹² Clause (j) was omitted by section 12 (ii) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

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31. Rules and regulations for proceedings of district boards and standing committees.
32. Presidency of district board meetings.
33. [Omitted.]
34. Member when to abstain from taking part in discussion and voting.
35. Acts of district boards, etc., not to be invalidated by informality, etc.
36. Submission of annual reports.
37. Inspecting and superintending officers of district boards.
- 37-A. Powers of entry of inspecting officers.
- 37-B. Access of inspecting officers to district board property, etc.
- 37-C. Power to call for reports from district boards.
- 37-D. [Omitted.]
38. Power to suspend or cancel resolution, etc., under Act.
39. Extraordinary powers of district collector.
40. Control over electrical undertakings of district boards.
41. State Government's power to take action in default of a district board or president.
42. [Omitted.]
43. Power of State Government to remove president or vice-president of district board.
44. Motion of no-confidence in president or vice-president.
45. Dissolution and reconstitution of district board.
- 45-A. [Omitted.]

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- 45-B. Devolution of assets and liabilities of dissolved district board.
- 46. Powers of officers acting for, or in default of, district board, and liability of district fund.

CHAPTER IV—ELECTION OF MEMBERS
OF DISTRICT BOARDS.

- 47. Election of members of district board.
- 48 to 50. [Omitted.]
- 51. Qualifications for inclusion in electoral roll for district board and publication thereof.
- 52. Power to correct electoral roll.
- 53. Disqualifications of voters.
- 54. Qualifications for election.
- 55. Disqualifications of candidates for election.
- 56. Disqualifications of members.
- 57. District Judge to decide questions of disqualification of members.
- 58. Infringement of secrecy of election.
- 59. Person convicted of election offences disqualified for voting and for being elected.

CHAPTER IV-A.

MAINTENANCE OF ORDER ON ELECTION DAY AND
REQUISITIONING OF PROPERTY FOR ELECTION PURPOSES.

- 59-A. Prohibition of public meetings on the election day.
- 59-B. Officers, etc., at elections not to act for candidates or to influence voting.
- 59-C. Prohibition of canvassing in or near polling stations.
- 59-D. Penalty for disorderly conduct in or near polling stations.
- 59-E. Penalty for misconduct at the polling station.
- 59-F. Removal of ballot papers from polling station to be an offence.
- 59-G. Requisitioning of premises, vehicles, etc., for election purposes.
- 59-H. Payment of compensation.
- 59-I. Power to obtain information.
- 59-J. Powers of entry into and inspection of premises, etc.

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- 59-K. Eviction from requisitioned premises.
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- 59-M. Delegation of functions of the State Government with regard to requisitioning.
- 59-N. Penalty for contravention of any order regarding requisitioning.

CHAPTER V.—POWERS OF DISTRICT BOARDS IN RESPECT OF PROPERTY AND ESTABLISHMENT.

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- 60. Vesting of public roads and their appurtenances in district boards.
- 60-A. Duty of district board in respect of public roads excluded from the operation of the Act.
- 60-B. Compulsory transfer to Government of rest-house, travellers' bungalow, etc., vesting in district board.
- 61. Collected sewage, etc., to belong to district boards.
- 62. Transfer of immovable property from district board to a panchayat.
- 63. Power to transfer to district boards charitable endowments under Madras Regulation VII of 1817 and resumed charitable inams.
- 64. Limitation of power to accept property in trust.
- 65. Transfer of institutions, works, etc., to panchayat.
- 65-A. and 65-B. [Omitted.]
- 65-C. Government's power to add to functions of district boards.
- 66. Immovable property required by district boards may be acquired under the Land Acquisition Act, 1894.

Establishment.

- 67. Officers and servants of district board.
- 68. The district engineer and health officer.
- 69. Filling up of the above appointments.
- 69-A. Appointment of educational officer or other agency for management of elementary schools, etc.
- 69-B. [Omitted.]
- 69-C. Appointment of electrical engineer for district boards.
- 70. Filling up of appointments other than those of district engineer and health officer.
- 70-A. Power of State Government to transfer officers and servants of district boards.

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- 71. Power of district board to frame service regulations.
- 72. Power to punish district board officers and servants.
- 73. Power to grant leave to officers and servants of district boards.
- 73-A. Power of State Government to appoint district engineers and health officers.
- 73-B. Power of State Government to regulate conditions of service, etc., of educational officer, etc.
- 73-C. Appointment of District Engineer of Highways Department to perform certain functions under the Act.
- 73-D. District Boards to contribute towards the cost incurred by the State Government on account of salary, allowances, etc., of officers and servants of the Highways Department.
- 74. Government servants employed by district boards.
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PART III—FINANCE.

CHAPTER VI.—TAXATION.

- 74-B. Land-cess.
- 74-C. Duty on transfers of property.
- 75. Taxes.
- 76. Pilgrim tax.
- 76-A. Saving for certain provisions of the Constitution.
- 77. Resolution and notification regarding levy of taxes.

Land cess.

- 78. Land-cess.
- 79. Annual rent value of lands how fixed.
- 80. Certain landholders and sub-landholders to furnish lists of their lands to district collector.
- 81. District collector to assess cess according to lists, if they are correct.
- 82. Penalty for failure to furnish such lists.
- 83. District collector may fix the annual rent value.
- 84. Power of district collector to summon parties.
- 85. Power of district collector to amend lists and assess land-holder or sub-landholder according to lists as amended.
- 86. Appeal to Board of Revenue.
- 87. Land-cess to be entered in pattas of ryotwari lands.

SECTIONS.

- 88. Payment of land-cess by landholders and sub-landholders.
- 89. Powers of landholders.
- 90. Remission of land-cess on permanently settled revenue payable to Government.
- 91. Recovery of arrears of cess.

[Heading omitted.]

- 92. Apportionment of land-cess.

Profession tax.

- 93. Profession tax.
- 94. Liability of members of firms, associations and joint Hindu families to profession tax.
- 94-A. Liability of servants or agents to profession tax.
- 95. [Omitted.]
- 96. Service of notice on failure of payment of tax.
- 96-A. Statements, returns, etc., to be confidential.
- 97. Notice to owner or occupier to furnish list of persons liable to tax.

[Heading omitted.]

- 98 to 101. [Omitted.]
- 101-A. [Omitted.]
- 102. [Omitted.]
- 102-A. [Omitted.]
- 103. [Omitted.]

[Heading omitted.]

- 104 to 109. [Omitted.]

Pilgrim tax.

- 110. Levy of pilgrim tax.

Duty on transfers of property.

- 110-A. Method of assessment of duty on transfers of property.
- 110-B. Provisions applicable on the introduction of transfer duty.
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- 111. Power to exempt from taxes.
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CHAPTER VII.—GENERAL PROVISIONS RELATING TO FINANCE.

- 112. Purposes to which district funds may be applied.
- 113. Construction and maintenance of railways, tramways, etc.
- 114. Constitution of district fund.
- 114-A. [Omitted.]
- 115. Receipts and charges of the different classes of district funds.
- 116. Preparation and sanction of budgets.
- 117. Submission of consolidated budget to Government and their control.
- 118. [Omitted.]
- 119. Revised or supplemental budget.
- 120. Appointment of auditors of accounts.
- 121. Contributions to expenditure by other local authorities.
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PART IV.—PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VIII.—PUBLIC HEALTH.

Application of chapter to panchayat areas.

- 121-B. Provisions of chapter except sections 137, 138 and 139 not to apply to *panchayat* areas.

Private and public tanks or wells.

- 122. Closing and cleansing of wells etc.
- 123. Filling in of pools, etc., which are a nuisance or may prove dangerous to public health.
- 124. Setting apart of public tanks, etc., for certain purposes.
- 125. Prohibition against using places so set apart for purposes other than those notified.
- 126. Maintenance of wells, tanks, etc., by district boards.
- 126-A. Public wells, etc., open to all persons.

Scavenging.

- 127. Cleansing of private latrines, etc.
- 128. Contributions from persons having control over places of pilgrimage, etc.
- 129. Prohibition against allowing outflow of filth.

Private drainage.

- 129-A. Power to require construction or removal of private drains.

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Dangerous diseases.

- 130. Definition of "dangerous disease."
- 131. Power of entry into suspected places and disinfection of buildings and articles.
- 132. Executive authority to notify places for washing and disinfecting.
- 133. Prohibition against infected person carrying on occupation.
- 134. Persons suffering from dangerous diseases and public conveyances.
- 135. Power to order closure of places of public entertainment.
- 136. Minor suffering from dangerous disease not to attend school.

Smallpox.

- 137. Compulsory vaccination.
- 138. Obligation to give information of smallpox.
- 139. Prohibition of inoculation for smallpox.

Disposal of the dead.

- 140. Registration of burial and burning grounds.
- 141. Licensing of places for disposal of dead.
- 142. Provision of burial and burning ground and crematoria.
- 143. A book to be kept of places registered, licensed or provided.
- 144. Prohibition against burying or burning in unauthorized places.
- 145. Notice to be given to district board of burials, etc.
- 146. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

CHAPTER IX.—DANGEROUS STRUCTURES, TREES, AND PLACES.

- 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.]

SECTIONS.

- 153. Removal of filth or noxious vegetation from lands and buildings in non-panchayat areas.
- 154. Power to destroy stray pigs and dogs.
- 155. Power of executive authority 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.
- 157-A. Public roads open to all.
- 158. Prohibition against, and regulation of, doors, ground-floor windows and bars opening outwards, etc.
- 159. Removal of encroachments.
- 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.
- 163-A. 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 district board to recover expenses caused by extraordinary traffic.
- 166. [Omitted.]

CHAPTER XI.—MARKETS, SLAUGHTER-HOUSES, ETC.

Public markets.

- 166A. Classification of markets as district and panchayat markets.
- 167. Public markets.
- 168. Powers in respect of public markets.
- 169. Control of executive authority 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.

SECTIONS.

- 174. Fee for licence.
- 175. Prohibition of sale in unlicensed private markets.
- 176. Powers of district board 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 of 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. [Omitted.]
- 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.

[Heading omitted.]

- 188. [Omitted.]

Slaughter-houses.

- 189. Provision of slaughter-houses.
- 190. District board 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 workplace in which steam or other power is to be employed.

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- 195. Power of district board to issue directions for abatement of nuisance caused by steam or other power.
- 196. Power of State Government to pass orders or give directions to district board.
- 197. Power of executive authority to enter factory, workshop or work-place.

Application of the Madras Places of Public Resort Act.

- 198. Extension of the Madras 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 State Government to make rules.
- 200. Procedure for the making of rules.
- 201. Power of State 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. [Omitted.]
- 204. Procedure for the making of by-laws.
- 205. Confirmation of by-laws by State 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.

CHAPTER XIII.—PENALTIES.

- 207. General provisions regarding penalties specified in the schedules.
- 208. Penalty for acting as member, president, or vice-president of a district board when disqualified.

SECTIONS.

- 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 information or giving false information.

PART VI.

CHAPTER XIV.—PROCEDURE AND MISCELLANEOUS.

Licences and permissions.

- 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.

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 licensing 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 district board.
- 225A. Injunctions not to be granted in election proceedings.
- 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 district board.
- 228. Assessments, etc., not to be impeached.
- 229. Prohibition against obstruction of district boards' servants or contractors.
- 230. Prohibition against removal or obliteration of notice.
- 231. Powers of executive authority to require karnams and headmen to furnish statements or returns.
- 232. Powers of executive authority to summon parties.

State Governments'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 district board as reconstituted.
- 236. Utilization of railway cess accumulations.
- 237. Extent and commencement of Act.
- 238 and 239. [Omitted.]
- 240. Special provision in the case of newly constituted and reconstituted district boards.
- 240A. Transfer of functions of district boards to panchayats.
- 241. Construction of references to president in other enactments, etc.

SCHEDULE I.—Enactments repealed.

SCHEDULE II.—Rules regarding proceedings of district boards.

SCHEDULE III.—[Omitted.]

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 a licence.

SCHEDULE VIII.—Ordinary penalties.

SCHEDULE IX.—Penalties for continuing breaches.

SCHEDULE X.—[Omitted.]

MADRAS ACT No. XIV OF 1920.¹[THE MADRAS ²(DISTRICT BOARDS) ACT, 1920.]

(Received the assent of the Governor on the 3rd November 1920, and that of the Governor-General on the 19th December 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 4th January 1921.)

An Act to consolidate and amend the law relating to
²[District Boards].

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to ² [district 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 ²(District 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—

¹ For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated 22nd June 1920, pages 977-978; for Report of Select Committee, see *Fort St. George Gazette* Extraordinary, dated 4th September 1920, pages 23-38; for Proceedings in Council, see *Fort St. George Gazette*, dated 2nd November 1920, Part IV, pages 1367-1389, and *ibid*, dated 18th January 1921, pages 211-344.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

For nomination of members to represent the merged State of Pudukkottai in the Tiruchirapalli District Board, see Madras Act I of 1951 (not printed in the Wode).

As regards the application of the Act to the Sanatorium area, see section 4 of the Madras Tuberculosis Sanatoria (Regulation of Buildings) Act, 1947 (Madras Act XVI of 1947).

² These words were substituted for the words “local boards” by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹ [* * * * *].

¹ [(1) 'Anglo-Indian' shall have the same meaning as in clause (2) of Article 366 of the Constitution;]

'Anglo-Indian.'

² [(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.'

³ [* * * * *].

³ [* * * * *].

⁴ [(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.'

⁵ [(6) 'company' means a company as defined in the Indian Companies Act, 1913,* or formed in pursuance of an Act of Parliament ⁶[of the United Kingdom] 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.'

⁷ [(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

'District.'

¹ Original clause (1) was re-numbered as clause (1-B) and clauses (1) and (1-A) defining the expressions "Adi-Dravida" and "Anglo-Indian" respectively were inserted by section 3 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930); clause (1) was omitted and clause (1-A) was re-numbered as clause (1) by section 4 (1) (i) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act, II of 1938) and for the clause as so re-numbered, the present clause was substituted by the Adaptation (Amendment) Order of 1950.

² Original clause (1) was renumbered as clause (1-B) by section 3 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ Clauses (4) and (5) were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ This clause was inserted by section 3 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ This clause was substituted for original clause (6) by section 3 (iii), *ibid.*

⁶ These words were inserted by the Adaptation (Amendment) Order of 1950.

⁷ This clause was substituted by section 2 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932), for clause (7) as substituted for the original clause by section 3 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

* See now the Companies Act, 1956 (Central Act I of 1956).

by the notifications, if any, issued under sub-section (3) of the same section ;]

‘ 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.’

¹ [(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 ² [part 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 ;]

‘ Executive authority.’

¹ [³ (7-C) ‘ executive authority ’ means the president ;]

⁴ [(7-D) * * * * *] .

⁵ [(8) * * * * *] .

‘ Indian Christian.’

⁶ [(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 ;]

‘ Landholder.’

(9) ‘ landholder ’ includes all persons holding under a sanad-i-milkiat-istimrar, all other zamindars, poligars, shrotri-yamdars, 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 ; ⁷ [

] 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 ;

Madras Act IV of 1911.

‘ Latrine.’

(10) ‘ latrine ’ includes privy, water-closet and urinal ;

⁸ [(10-A) * * * * *] ;

¹ Clauses (7), (7-A), (7-B) and (7-C) were substituted for original section 2 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932) for clause (7) as substituted for the original clause 4 section 3 (iv) of Madras Act XI of 1930.

² These words were substituted for the words “ State of India ” by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

³ Clause (7-C) was re-numbered as clause (7-D) and new clause (7-C) was inserted by section 2 (1) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), and for the clause as so inserted, the present clause was substituted by paragraph 2 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This clause was omitted by paragraph 2 (ii), *ibid.*

⁵ This clause was omitted by *ibid.*

⁶ This clause was inserted by section 3 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The words “ all holders of land in the district of Malabar under whatever tenure ; ” were omitted by clause 4 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

⁸ This clause was omitted by the Adaptation Order of 1937.

¹ [(10-B) 'local authority' includes a cantonment authority;] 'Local authority.'

Madras Act X of 1950.

² [(11) 'non-panchayat area' means any area which is not comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;] 'Non-panchayat area.'

² [(12) * * * * *].

(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.'

Madras Act X of 1950.

⁴ [(15-A) 'panchayat' means a panchayat constituted under the Madras Village Panchayats Act, 1950 ;] 'Panchayat'

Madras Act X of 1950.

⁴ [(15-B) 'panchayat area' means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;] 'Panchayat area.'

(16) 'prescribed' means prescribed by the ⁵ [State 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.' 'Private road.'

¹ This clause was inserted by section 3 (vii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² Clause (11) was substituted by paragraph 2 (ii) of Schedule IV of the Madras Village Panchayats Act, 1950, (Madras Act X of 1950) for clauses (11) and (12) as substituted for the original clauses (11) and (12) by sections 3 (viii) and 3 (ix), *ibid.*

³ This clause was inserted by section 3 (x), *ibid.*

⁴ Clauses (15-A) and (15-B) were substituted by paragraph 2 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) for clause (15-A) and (15-B) as inserted by section 3 (ix), *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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 ;

'Public road.'

(18) 'public road' means any street, road, square, court, alley, passage or riding-path, ¹ [over which the public have a right of way] whether a thoroughfare or not, and includes—

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

(b) the footway attached to any such road, public bridge or causeway; and

(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 ² [return to such house] at any time and has not abandoned his intention of returning ;

'Revenue district.'

³ [(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 ;

(c) cantonments constituted under the Cantonments Act, 1924 ; ⁴ []

⁵ [(19-B) * * * * *]

⁵ [(19-C) * * * * *]

Madras Act V of 1920.

Central Act II of 1924.

¹ These words which occurred after the words "whether a thoroughfare or not" in the original were placed before those words by section 3 (xii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "return thereto" by section 3 (xiii) of *ibid.*

³ This clause was inserted by section 2 (ii) (a) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

⁴ Sub-clause (d) and the word "and" at the end of sub-clause (c) were omitted by clause 4 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

⁵ Clauses (19-B) and (19-C) were omitted by paragraph 2 (iv) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(20) 'salary' means pay and acting pay or payment by way of commission and includes exchange compensation allowance, but not allowances for house-rent, carriage-hire or travelling expenses ;

¹ [(20-A) 'Scheduled Castes' shall have the same meaning as in clause (24) of article 366 of the Constitution, but until the first electoral rolls for the territorial constituencies of the Madras Legislative Assembly provided under the law made in pursuance of the Constitution have been finally published, shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936;]

'Scheduled castes.'

² [(21) 'sub-landholder' means a person not being a landholder who—

'Sub-landholder.'

(a) (i) holds any portion of any estate consisting of one or more revenue villages on an under-tenure 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 ;

Madras Act II of 1894.

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.]

³ [(21-A) * * * * *]

³ [(21-B) * * * * *]

(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.'

⁴ [(23) * * * * *]

(24) 'year' means the financial year.

'Year.'

¹ This clause was substituted by the Adaptation (Amendment) Order of 1950 for clause (20-A) which was inserted by section 4 (1) (ii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

² This clause was substituted for the original clause (21) by section 3 (xv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ 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).

⁴ This clause was omitted by paragraph 2 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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

CHAPTER II.—¹ [DISTRICTS].

District.

² **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 be a district for the purposes of this Act.

(2) The ³ (State 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 ³ (State 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 ³ (State 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 ⁴ (before both) Houses of the State Legislature).

(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 ³ (State Government) may, by notification, declare which officer shall be considered to be the

¹ This heading was substituted by paragraph 3 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the heading "Districts and Villages" as substituted for the original heading "Taluks and Villages" by section 3 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

² This section was inserted by section 3 (ii) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "before both Chambers of the Provincial Legislature" were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937 and the word "Houses" was substituted for "Chambers" by the Adaptation (Amendment) Order of 1950 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

district collector in respect of that district for the purposes of this Act.]

¹ [4. * * * * *].

² [5. * * * * *].

CHAPTER III.—CONSTITUTION AND CONTROL OF DISTRICT BOARDS.

6. (1) There shall be constituted for each district, a district board ³ [. . . .] ⁴ [.]

Establishment of district boards and their incorporation.

⁵ [(2) Subject to the provisions of this Act, the local administration of a district shall vest in the district board constituted therefor, but the board shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or to other authorities.]

(3) Every ⁶ (district board) shall ⁷ [be a body corporate] ⁸ [by the name of the revenue district ⁹ (. . .) or the name of the district, ¹⁰ (. . .) ¹¹ (. . .)], specified in the notification under section 3-A, ¹² (. . .) ¹³ (. . .)

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 omitted by paragraph 4 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "for each taluk, a taluk board" were omitted by section 5 (1) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ The words "and for each village, a panchayat" were omitted by paragraph 5 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This sub-section was substituted by paragraph 5 (ii) *ibid*, for sub-section (2) as amended by section 3 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ 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).

⁸ This expression was 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).

⁹ 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).

¹⁰ The word "taluk" was omitted by *ibid*.

¹¹ The words "or viallge" were omitted by paragraph 5 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹² The figure "4" was omitted by section 5 (iv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

¹³ The words and figure "or 5, as the case may be" were omitted by paragraph 5 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

.)] shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by 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.

Strength of District Boards. ²[7. ³[The total number] of members of a district board shall not exceed 52 or be less than 24.]

All members of district boards to be elected. ⁴[8. All the members of every ⁵(district board) shall be elected in the manner laid down in this Act.]

Reserva- tion of seats on district boards for certain communities and for women. ⁴[9. (1) In any district board, the ⁶(State Government) may, ⁷(.) by notification, from time to time, reserve seats for—

⁸ [(a)] ⁹ (Members of the scheduled castes),

⁸ [(b)] Anglo-Indians, or

⁸ [(c)] Women

and determine the number of such seats.]

¹⁰ [(2) * * * * *]

¹ These words were inserted by section 5 (iii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This section was substituted by paragraph 6 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for section 7 as amended by the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934), the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), and the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

³ These words were substituted for the words, figures, brackets and letters, "Subject to the provisions of sub-section (3-A) of section 9, the total number" by section 2 of the Madras District Boards (Amendment) Act, 1951 (Madras Act XXI of 1951).

⁴ Sections 8 and 9 were substituted for original sections 8 and 9 by section 7 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ The words "in their discretion" were omitted by the Adaptation Order of 1937.

⁸ Clauses (a), (b) and (d) were omitted and clauses (c), (e) and (f) were relettered as clauses (a), (b) and (c) by section 3 (i) of the Madras District Boards (Amendment) Act, 1951 (Madras Act XXI of 1951).

⁹ These words were substituted for the words, "Adi-Dravidas" by section 4 (2) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

¹⁰ This sub-section was omitted by paragraph 7 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹ [(3)] The total number of seats reserved in any ² [district board] under sub-section (1) ³ [] shall not exceed one-fourth of the strength fixed for the ² [district board] under section 10.

⁴ [(3-A)]

¹ [(4)] No seat shall be reserved in any district board for any of the communities mentioned in ⁵ [clauses (a) and (b)] of sub-section (1), ⁶ [* * *] if at the last census such community constituted more than one-half of the total population of the district ⁷ [* * * *].

¹ [(5)] In reserving seats in any ² (district board) for any community, the ⁸ [State Government] shall have due regard to its number and importance.

¹ [(6)] Nothing contained in ⁹ [this section] shall be deemed to prevent members of any community or women for whom seats have been reserved in any ² (district board), from standing for election to the non-reserved seats in the ² (district board).

¹ Sub-section (2) was omitted and sub-sections (3) to (7) were re-numbered 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 These words were substituted for the words "local board" or "local boards", as the case may be, by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The word, brackets and figure "or (2)" were omitted by paragraph 7 (ii), *ibid.*

⁴ This sub-section which was inserted by Madras Act II of 1947 was omitted by the Madras District Boards (Amendment) Act, 1951 (Madras Act XXI of 1951).

⁵ These words, brackets and letters were substituted for the words, brackets and letters "clauses (a) to (e)" by section 3 (iii) of the Madras District Boards (Amendment) Act, 1951 (Madras Act XXI of 1951).

⁶ 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) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁷ The words "or taluk as the case may be" were omitted by *ibid.*

⁸ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁹ These words were substituted by section 3 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947), for the words, brackets and figures "sub-sections (1) and (2)" as substituted for the words and figures "sub-sections (1) to (3)" by section 7 (iv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934, (Madras Act II of 1934).

Determina-
tion of
number of
members of
district
boards.

¹ [10. (1) The ²(State Government) shall, by notification, declare the total number of members of every ³ (district board).

(2) Subject to the approval of the ² (State Government) any ³ (district 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
district
boards.

⁴ [11. ⁵[(1) The term of office of the members of every ³ (district 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 ² (State Government) may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any ³ (district board) as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.]

(2) Ordinary vacancies in the office of a member of a ³ (district board) shall be filled at ordinary elections which shall be fixed by the prescribed authority to take place ⁶ [on such day or days within three months before the occurrence of the vacancies], as he thinks fit :

Provided that the ² [State Government] may, for sufficient cause, direct or permit the holding of any ordinary election ⁷ [after the occurrence of the vacancy:]

¹ This section was substituted for the original section by section 8 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ Sections 11 and 11-A were substituted for the original section 11 by section 8 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ Sub-sections (1) and (1-A) were substituted for original sub-section (1) by section 2 (i) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

⁶ These words were substituted for the words "on such day or days in the months of August and September next preceding the vacancies" by section 2 (ii), *ibid.*

⁷ These words were substituted for the words "after the end of September" by section 2 (iii), *ibid.*

¹ [Provided further that the ² [State] Government may, for sufficient reasons, direct from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof, and the prescribed authority shall give effect to such direction.]

(3) A member of a ³ (district 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 ³ (district 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 ⁴ [or 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 ³ (district 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.]

⁵ [II-A. (1) If at an ordinary or casual election to a ³ (district board) held under section 11 no member is elected, a fresh election shall be held on such day as the prescribed authority may fix.

Procedure where no member is elected at an election.

(2) If at such fresh election no member is elected, the ³ (district board) may, in the manner prescribed, elect a qualified person to fill the vacancy.

¹ This proviso was added by section 3 (iv) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This expression was inserted by section 2 (iv) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act, XIII of 1935).

⁵ Sections II and II-A were substituted for original section II by section 9 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(3) The term of office of a member of a ¹ (district 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 district boards.

² [12. Every ¹ (district board) shall elect one of its members to be its president, and another member to be its vice-president.]

Procedure when no president or vice-president is elected at an election.

² [12-A. If at an election held under section 12, no president or vice-president is elected, a fresh election shall be held.]

³ [13. * * * * *]

³ [14. * * * * *]

Vacancy in the office of president and vice-president.

15. ⁴ [(1) A president of a ¹ (district board) shall be deemed to have vacated his office—

(a) on the expiry of his term of office as a member of the ¹ (district board), or on his otherwise ceasing to be such member, or

(b) on his election as president or vice-president of ⁵ [any panchayat] in the district.

(2) A vice-president of a ¹ (district 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 ⁵ (any panchayat) in the district.]

⁴ [(3)] An outgoing president or vice-president of a ¹ [district board] shall, if otherwise qualified, be eligible for re-election ⁶ [].

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² Sections 12 and 12-A were substituted for original section 12 by section 10 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ Sections 13 and 14 were omitted by section 11, *ibid.*

⁴ Sub-section (2) of section 15 was renumbered as sub-section (3) and for the original sub-section (1), new sub-sections (1) and (2) were substituted, by section 12 (1), *ibid.*

⁵ These words were substituted for the words "any other local board" by paragraph 8 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ The words "or re-appointment" were omitted by section 12 (2) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

16. Any member of a ¹ (district 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 ¹ (district board). ² [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 ¹ (district board).]

Resignation of members, vice-president and president.

17. When the office of president, vice-president or member of any ¹ (district 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 ³ [. . .] ⁴ [in the manner laid down in this Act.]

Filling up of vacancies.

⁵ [18. * * * * *]

19. The election ⁶ [. . .] of a president, vice-president, ⁷ [. . .] or member of a ¹ (district board) shall be notified in the prescribed manner.

Elections to be notified.

20. No member of a ¹ (district board) shall ⁸ [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.]

No member to receive remuneration.

⁹ [¹⁰ (21. * * * * *)]

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This sentence was added by section 13 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ The words "or appointed" were omitted by section 14, *ibid.*

⁴ These words were substituted for the words "in the same manner as his predecessor was elected" by section 14, *ibid.*

⁵ Section 18 was omitted by section 15, *ibid.*

⁶ The words "or appointment" were omitted by paragraph 9 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words "temporary president" were omitted by *ibid.*

⁸ 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 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ Sections 21 to 21-D were substituted for the original section 21 by section 4 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹⁰ This section was omitted by paragraph 10 (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Functions of president of district board.

¹ [21-A. The president of a ² (district board) shall—

(a) make arrangements for the election of the vice-president ;

(b) convene the meetings of the ² (district board) ; and

(c) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.]

Functions of executive authority of district board.

¹ [21-B. The executive authority of a ² (district board) shall—

(a) carry into effect the resolutions of the Board; and

(b) 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 Board, and subject also 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.]

³ (21-C. * * * * * .)]

Functions of district board president and executive authority to be mutually exclusive.

¹ (21-D. It shall not be lawful—

⁴[for the president or executive authority of a district board, to perform any functions expressly assigned by or under this Act or any other law to the district board ;]

⁵ [(2) * * * * * .]

⁵ [(3) * * * * * .)]

Emergency powers of executive authority.

22. The ⁶(executive authority) of a ²(district board) may, in cases of emergency direct the execution of any work or the

¹ Sections 21 to 21-D were substituted for the original section 21 by section 4 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This section was omitted by paragraph 10 (1), *ibid.*

⁴ The brackets and figure "(1)" were omitted by paragraph 10 (2), *ibid.*

⁵ This clause was omitted by *ibid.*

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

doing of any act which requires the sanction of the ¹(district 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 ² [district fund]:

Provided that

(a) he shall not act under this section in contravention of any order of the ¹(district 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 ¹(district board) at its next meeting.

³ [22-A. (1) When the office of president of a ¹(district board) is vacant, the vice-president shall exercise the functions of the president until a new president assumes office.

Exercise of president's functions during vacancy in office.

⁴ [(2)] 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 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.

⁴ [(b) * * * * *]

(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 ⁵ [. . .]

⁶ [(4) * * * * *].

¹ These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950.)

² These words were substituted for the words "local fund" by *ibid.*

³ This section was inserted by section 18 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ Clause (b) of sub-section (2) was omitted and clause (a) was re-numbered as sub-section (2) by paragraph 11 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The words "in the case of district boards and of not less than five clear days in the case of panchayats" were omitted by paragraph 11 (ii), *ibid.*

⁶ This sub-section was omitted by paragraph 11 (iii), *ibid.*

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.

¹ [23. (1) The president of a ² (district board) may, by an order in writing, delegate any of his functions ³ [including his functions as executive authority ⁴ (. . .)] 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 ² (district board) has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions, ⁵ [including his functions as executive authority] 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:

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 ⁶ [including his functions as executive authority] 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 ⁷ [including his functions as executive authority

¹ This section was substituted for original sections 23 and 24 by section 19 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by section 6 (i) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ The words "where he is also the executive authority" were omitted by paragraph 12 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted by paragraph 12 (ii), *ibid*, for the words "including where he is also the executive authority his functions as such" as inserted by section 6 (ii) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were inserted by paragraph 12 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were inserted by section 6 (iii) (a) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹(. . .)] 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

² [(iii) every order made under this sub-section shall be communicated to the board at its next meeting].

³ [(4) Subject to any restrictions that the district board may impose, the president may by an order in writing delegate any of his executive functions to any member, officer or servant of the board or to any servant of the State Government.]

⁴ [(5) The exercise or discharge of any ⁵ [functions] delegated ⁶[under this section] shall be subject to such restrictions, limitations and conditions as may be laid down by the president and shall also be subject to his control and revision. ⁷ [The president shall also have power to control and revise

Exercise of delegated functions subject to president's control and revision.

¹ The words "where he is also the executive authority" were omitted by paragraph 12 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This clause was substituted by paragraph 12 (iv) *ibid*, for clause (iii) as amended by section 6 (iii) (b) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This sub-section was substituted by paragraph 12 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the original sub-section (4) as amended by section 6 (iv) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting, (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ Section 25 was re-numbered as sub-section (5) of section 23 by section 7 (1) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ This word was substituted for the word "powers" by section 20 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words and figures "under section 23" by section 7 (1) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ This sentence was added by section 20 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

the exercise or discharge of any functions devolving on the vice-president under sub-section (2) ¹(. . .).

² [24. * * * * *]

³ [25. * * * * *]

Right of individual members.

26. (1) Any member of a ⁴(district board) may call the attention of the ⁵(executive authority) to any neglect in the execution of ⁴(district board) work, to any waste of ⁴(district board) property, or to the wants of any locality ⁶(within the district) 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 ⁴(district 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 ⁴(district board) after giving due notice to the ⁵(executive authority), provided that the ⁵(executive authority) may, for reasons given in writing, forbid such access.

Power of district board to call for records.

27. (1) A ⁴(district board) may require the ⁵(executive authority) to produce any ⁷[. . . .] document which is in his custody.

(2) The ⁵(executive authority) shall comply with every such requisition unless in his opinion immediate compliance

¹ The words and figures " of section 23 " were omitted by section 7 (1) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² Section 23 was substituted for original sections 23 and 24 by section 19 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) and new section 24 which was inserted by section 7 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), was omitted by paragraph 13 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ Section 25 was renumbered as sub-section (5) of section 23 by section 7 (1) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the word " president " by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted for the words " within the local board area " by paragraph 14 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words " record, correspondence, plan or other " were omitted by section 21(i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 ¹[refer the question to the State Government whose decision shall be final].

² [27-A. (1) In each district board, there shall be standing committees respectively for—

Constitution of standing committees for district boards.

(i) Education,

³ [* * * * *]

³ [(ii)] Public Health, and

³ [(iii)] Works and Communications

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 ⁴ (State Government).

(2) In addition to the ⁵ [three standing committees referred to] in sub-section (1), a district board shall, if so required by the ⁴ (State 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 ⁴ (State 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 ⁴ (State 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 ⁴ (State 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:

⁶ [* * * * *]

¹ These words were substituted for the original words by paragraph 15 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This section was inserted by section 11 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

³ Clause (ii) was omitted and clauses (iii) and (iv) were re-numbered as clauses (ii) and (iii) respectively by paragraph 16 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted for the words "four standing committees referred to" by paragraph 16 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This proviso was omitted by paragraph 16 (iii) (a) *itid*.

(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 ¹[.] 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 com-
mittees of
district
boards.

²[28. (1) (a) ³[Subject to the provisions of section 27-A a ⁴ (district 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 ⁴ (district board) may also appoint individual members or committees to enquire into and report or advice on any matters which it may refer to them.

(2) Save as otherwise expressly provided in this Act, the president of the ⁴ (district board) shall, by virtue of his office, be a member and the chairman of every committee constituted under sub-section (1).

¹ The words "except in the case of the standing committee for rural development" were omitted by paragraph 16 (iii) (b) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This section was substituted for the original sections 28 and 29 by section 22 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ This expression was 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).

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(3) It shall be lawful for a ¹ (district 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.

² [(4) * * * * *]

³ [29. All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the ¹ (district 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.]

Application of Act to members of standing and other committees who are not members of the district board.

⁴ [30. (1) A ¹ (district board) may, and if so required by the ⁵ (State 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 responsible.

Appointment of joint committees.

(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 ;

¹ These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² Sub-section (4) was omitted by section 12 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

³ This section was inserted by section 13, *ibid*.

⁴ This section was substituted for the original section by section 23 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(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 ¹ (State 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 ¹ (State Government) whose decision shall be final.]

² [(8) The powers of the ³ (State) Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.]

Rules and regulations for proceedings of district boards and standing committees.

31. A ⁴ (district board) shall observe the rules in Schedule II and may make ⁵ [. . .] regulations, not inconsistent therewith, or with other provisions of this Act, or with any rules made by the ¹ [State Government], in regard to the following matters:—

(a) the time and place of its meeting;

(b) the manner in which notice thereof shall be given;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sub-section was inserted by the Adaptation Order of 1937.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The word "supplementary" was omitted by section 24 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [(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;]

(d) the division of duties among the members of the board;

² [(e) the constitution and procedure of committees
³ (other than standing committees);]

(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 ⁴ [a servant of the Government], or

(ii) to a committee constituted under clause (e) or to its chairman or to any one or more of its members;]

⁵ [(g) the persons by whom receipts may be granted for money paid to the board; and

⁵ [(h)] all other similar matters.

32. (1) Every meeting of a ⁶(district 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.

Presidency
of district
board
meetings.

(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 ⁷[and during the period that he presides over it,] have all the powers of the president.

¹ This clause was substituted for the original clause (c) by section 24 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² 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), *ibid.*

³ These words were added by section 14 of the Madras Local Boards and Elementary Education (Amendment) Act, 1924 (Madras Act II of 1924).

⁴ The words "a servant of the Crown" were substituted for the words "a servant of the Crown" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938), and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁵ Clauses (f) and (g) were relettered as (g) and (h) respectively by section 24 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were inserted by section 25 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [33. * * * * *].

Member when to abstain from taking part in discussion and voting.

34. (1) No member of a ²(district board) ³[or of a ⁴(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 ⁵[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 ⁶[by himself or his partner].

(2) The president ⁷[or chairman] may prohibit any member from voting or taking part in the discussion of any matter in which he believes ⁸[such member] to have such interest, or he may require ⁸[such member] to absent himself during the discussion.

(3) ⁹[Such member] may challenge the decision of the president ¹⁰[or chairman], who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president ¹¹[or chairman] is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, the president ¹¹[or chairman] may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

¹²[(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).]

¹ The original section 33 was omitted by section 26 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), and new section 33 which was inserted by section 8 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), was omitted by paragraph 17 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the words "local board" by paragraph 1 of *ibid.*

³ These words were inserted by section 27 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ 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).

⁵ These words were substituted for the words "board or any committee" by section 27 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were added by section 27 (i) (c), *ibid.*

⁷ These words were inserted by section 27 (ii), *ibid.*

⁸ These words were substituted for words "such person" by section 27 (ii), *ibid.*

⁹ These words were substituted for the words "Such person" by section 27 (iii) (a), *ibid.*

¹⁰ These words were inserted by section 27 (iii) (b), *ibid.*

¹¹ These words were inserted by section 27 (iv), *ibid.*

¹² This sub-section was inserted by section 27 (v), *ibid.*

¹[*Explanation.*—In this section ‘president’ includes a vice-president or member presiding for the occasion at a meeting of a ²(district board) and ‘chairman’ includes a member presiding for the occasion at a meeting of a ³(standing or other committee).]

⁴[35. No act of a ² (district board) or of a ⁵ (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.]

Acts of district boards, etc., not to be invalidated by informality, etc.

⁶[36. (1) As soon as may be after the first day of April every year and not later than such date as may be fixed by the State Government, every ² [district board] shall submit to the State Government, a report on its administration during the preceding year in such form and with such details as the State Government may direct.

Submission of annual reports.

(2) The executive authority shall prepare the report; the district board shall consider the report and submit it to the State Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the State Government may direct.]

¹ This Explanation was substituted for the original Explanation by section 27 (vi) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words “local board” by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950.)

³ These words were substituted for the words “committee” by section 15 (2) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ This section was substituted for the original section 35 by section 28 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ 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).

⁶ This section was substituted by paragraph 18 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for section 36, as substituted for the original section by section 29 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Inspecting and superintending officers of district boards.

¹ [37. ² [] The ³ [State Government] may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the ⁴ (district boards) established under this Act.

⁵ (* * * * *).

Powers of entry of inspecting officers.

¹ [37-A. Any officer or person whom the ³ [State 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 ⁴ (district board) or ⁶ (executive authority);

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any ⁴ (district board) and any records, registers or other documents kept in such institution; and

(c) the office of any ⁴ (district board) and any records, registers or other documents kept therein.]

Access of inspecting officers to district board property, etc.

¹ [37-B. ⁴ (District boards) and their presidents, ⁷ (*) 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 ⁴ (district 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.]

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 The figure and brackets "(1)" were omitted by paragraph 19 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "local board" or "local boards", as the case may be, by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ Sub-section (2) of section 37 was omitted by the Adaptation Order of 1937.

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ The words "executive authorities" which were inserted by section 9 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), were omitted by paragraph 20 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950)

¹ [37-C. The ²[State Government], or any officer or person whom the ²[State Government] may empower in this behalf may—

Power to call for reports from district boards.

(a) call for any record, register or other document in the possession or under the control of any ³(district board) or ⁴(executive authority);

(b) require any ³(district board) or ⁴(executive authority) to furnish any return, plan, estimate, statement, account or statistics;

(c) require any ³(district board) or ⁴(executive authority) to furnish any information or report on any matter connected with such board; and

(d) record in writing for the consideration of any ⁵[district board] or ⁴(executive authority) any observations they or he may think proper in regard to its or his proceedings or duties.]

¹ [⁵(37-D. * * * * *)]

⁶ [38. (1) The ²[State Government] may, by order in writing—

Power to suspend or cancel resolution etc., under Act.

(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

(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:

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ This section was omitted by paragraph 21 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was substituted for the original section 38 by section 31 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Provided that nothing in this sub-section shall enable the ¹ [State Government] to set aside any election which has been held.

(2) The ¹ [State 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 ¹ [State 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 ² [district board] ³ [or ⁴ (executive authority)] 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 ² (district board).

(2) If the expense is not so paid, he may make an order directing the person having the custody of the ⁵ (district 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 ² (district 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 ¹ [State Government] by the District Collector with the reasons in full for the exercise of such powers and a copy of the report shall

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "or president" were substituted for the words "or the presidents" by section 32 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

at the same time be sent to the ¹ (district board) for information. The ¹ (district board) shall thereupon be entitled to address the ² [State Government] on the contents of the District Collector's report.

³ [40. The administration by a ¹ (district board) of any undertaking for the generation, transmission, supply or use of electrical energy, shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, as in force for the time being, the rules made under that Act, and the terms of the licence granted under it to the ¹ (district board)].

Central Act IX of 1910.

Control over electrical undertakings of district boards.

41. (1) If at any time it appears to the ² [State Government] that a ⁴ [district board] or its president ⁵ (* * *) has made default in performing any duty imposed by or under this or any other Act ⁶ (including in the case of its president any of his duties as executive authority), they may, by order in writing, fix a period for the performance of such duty.

State Government's power to take action in default of district board or president.

(2) If such duty is not performed within the period so fixed, the ² [State Government] may appoint some person to perform it, and may direct that the expense of performing it shall be paid from the ⁷ [district fund,] within such time as they may fix, to such person by the ⁴ [district board].

(3) If expenses which the ² [State Government] have directed under sub-section (2) to be paid from the ⁷ [district fund] are not so paid, the District Collector, with the previous sanction of the ² [State Government], may make an order directing the person having the custody of the ⁷ [district fund]

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The original section was omitted by section 33 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) and the new section was inserted by section 3 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁴ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) for the words "local board" as substituted for the words "district board" by section 34 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The words "or executive authority" which were inserted by section 11 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), were omitted by paragraph 22 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were inserted by paragraph 22 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted by paragraph 1, *ibid* for the words "local fund" as substituted for the words "district fund" by section 34 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 ¹[district board] admit, be bound to comply with such order.

² [42. * * * * *]

Power of State Government, to remove president or vice-president of district board.

³ [43. (1) The ⁴[State Government] may, by notification, remove any president or vice-president of a ¹ (district 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 ⁵[including his powers as executive authority ⁶(* * *)].

(2) The ⁴[State 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 notification issued under the said sub-section shall contain a statement of the reasons of the ⁴[State Government] for the action taken].

⁷ [(3) Any person removed under sub-section (1) from the office of president or from the office of vice-president shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary elections to the ¹ (district board) is published in the prescribed manner, or the expiry of six months from the date of the removal, whichever is earlier.]

¹ These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This section was omitted by paragraph 21, *ibid*.

³ This section was substituted for the original section 43 by section 36 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ These words were added by section 13 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ The words "where he is also the executive authority" were omitted by paragraph 23 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ This sub-section was added by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XI of 1939).

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. Motion of no-confidence in president or vice-president.

(2) Written notice of intention to make the motion, in such form as may be fixed by the ³[State 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 ⁴(to the District Collector).

(3) The District Collector ⁵(. . . .) 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 ⁶(. . . .) 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 ⁷(. . . .) 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 ⁸(. . . .) under sub-section (5).

(5) If the Collector ⁹(. . . .) 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

¹ This section was substituted for the original section 44 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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for clauses (a) and (b) of this section by section 20 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ The words "or the Revenue Divisional Officer, as the case may be" were omitted by section 20 (iii), *ibid.*

⁶ The words "or the Revenue Divisional Officer, as the case may be" were omitted by section 20 (iv), *ibid.*

⁷ The words "or the Revenue Divisional Officer" were omitted by *ibid.*

⁸ The words "or the Revenue Divisional Officer, as the case may be" were omitted by section 20 (v), *ibid.*

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.

(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 ¹[State Government].

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the board, the ¹[State 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.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

45. ¹[(1) If, in the opinion of the ²[State Government] a ³(district 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 :

Dissolution and reconstitution of district board.

Provided that, for the purpose of completing the elections to a ³(district board) which has been dissolved, the ²[State Government] may ⁴[.], from time to time, extend the time fixed by them under this sub-section for its reconstitution.]

¹[(1-A) Before publishing a notification under sub-section (1), the ²[State Government] shall communicate to the ³(district board) concerned ⁵(.) the grounds on which they propose to do so, fix a reasonable period for the board ⁶(.) to show cause against the proposal and consider the explanations and objections, if any, of such board ⁶(.).]

(2) Upon the publication of such a notification, ⁷[all the members of the ³(district board) including its president and vice-president] shall forthwith ⁸[be deemed to have vacated] their offices as such and ⁹[fresh elections shall be held] in accordance with the provisions of this Act.

¹⁰[(2-A) The term of office of the elected members of the reconstituted ³(district board) or of the members elected in

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).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ The words "in their discretion" were omitted by the Adaptation Order of 1937.

⁵ The words "and to the District board in the case of a panchayat" were omitted by paragraph 24 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ The words "or boards" were omitted by *ibid.*

⁷ 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).

⁸ These words were substituted for the word "vacate" by *ibid.*

⁹ These words were substituted for the words "fresh appointments shall be made and elections held" by *ibid.*

¹⁰ This sub-section was inserted by section 37 (iii), *ibid.*

their places at casual vacancies shall ¹(expire in such year and on such date therein as the ²[State 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 ³(district 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 ³(district board) directed under subsection (1), all or any of the powers and duties of the ³(district board) and ⁴[of its president ⁵(including his powers and duties as executive authority)] may be exercised and ⁶[discharged], as far as may be and to such extent as the ²[State Government] may determine, ⁷[by such person or persons] as the ²[State Government] appoint in that behalf, and any such person who is not a District Collector or Revenue Divisional Officer may, if the ²[State Government] so direct, receive payment for his services from the ⁸(district fund).

⁹ [45-A. * * * *]

¹ These words were substituted for the words "expire at the end of three years if it is reconstituted on the first day of November in any year and in other cases at the end of three years from the first day of November immediately preceding the date of its reconstitution" by section 3 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "its president" by section 14 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ These words were substituted for the words "including where the president is also the executive authority his powers and duties as such" by paragraph 24 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This word was substituted for the word "performed" by section 37 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted for the words "by such persons" by *ibid.*

⁸ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ This section which was inserted by section 38 of the Madras Local Board (Amendment) Act, 1930 (Madras Act XI of 1930), was omitted by paragraph 25 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹[45-B. When a ²(district board) is dissolved under section 45, ³(.), the ⁴[State Government], until the date of the reconstitution thereof and the reconstituted board ⁵(.) thereafter, shall be entitled to all assets and be subject to all the liabilities of the board ⁵(.) as on the date of dissolution ⁶(.) and on the date of the reconstitution respectively.]

Devolution of assets and liabilities of dissolved district board.

⁷[46.] When the District Collector or person appointed by the ⁴[State Government] lawfully takes action on behalf, or in default, of a ²(district board) under this Act, he shall have ⁸[all such powers] as are necessary for the purpose, and shall be entitled to the same protection under this Act as the ²(district board) ⁹[or] its officers or servants whose powers he is exercising, and compensation shall be recoverable from the ¹⁰(district 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 ²(district board), ⁹[or] its officers or servants.

Power of officers acting for or in default of district board and liability of district fund.

⁷ [(2) * * * *]

CHAPTER IV.—ELECTION AND APPOINTMENT OF MEMBERS OF DISTRICT BOARDS.

¹¹[47. (1) For the purpose of election of members to a district board, the ¹²[State Government] after consulting the district board shall, by notification—

Election of members of district board.

- (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

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 for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words, figures and letter " or a panchayat is superseded under section 45-A " were omitted by paragraph 26, *ibid*.

⁴ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁵ The words " or panchayat " were omitted by paragraph 26 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ The words " or supersession " were omitted by *ibid*

⁷ Sub-section (2) of section 46 was omitted and sub-section (1) thereof was re-numbered as section 46 by paragraph 27, *ibid*.

⁸ 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).

⁹ This word was inserted by section 39 (i) (b), *ibid*.

¹⁰ These words were substituted for the words " local fund " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act XI of 1950).

¹¹ This section was substituted for the original section 47 by section 40 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(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 of such reserved seats, one or more members for non-reserved seats. The number of such members shall be notified by the ¹ [State Government]. ² [Each of the other circles shall return such number of members (whether one or more) as may be notified by the ³ [State] Government].

(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.

(4) When issuing under sub-section (1) a notification which materially alters the existing division of a district into circles, the ¹ [State 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 ¹ [State 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.]

⁴ [48. * * * *]

⁵ [49. * * * *]

⁶ [50. * * * *]

⁷ [51. (1) Every person ⁸ [whose name is included in such part of the electoral roll for any Assembly constituency as

Qualifica-
tions for
inclusion in
electoral
roll for
district
board
and publi-
cation
thereof.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This sentence was substituted for the original sentence by section 4 (ii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This section was omitted by section 23 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ This section was omitted by paragraph 28 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was omitted by section 43 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This section was substituted for original sections 51 and 52 by section 4 (3) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁸ These words were substituted for the words "whose name is included or who is qualified to be included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, which relates to a district or any portion thereof," by section 3 (1) (a) (i) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951).

Section I of Madras Act XXIV of 1951 came into force on the 25th September 1951; all other sections came into force on the 24th December 1951.

relates to the district or any portion thereof] shall be entitled to be included in the electoral roll for the ¹(district board) prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation (1).—Where ²[in the case of any Assembly constituency, there is no distinct part of the electoral roll relating to a district, all persons whose names are entered] in such roll under the registration area comprising that ³(district) and whose addresses ⁴[as entered in such roll] are situated in such ³(district) shall be entitled to be included in the electoral roll for the ¹(district board) prepared for the purposes of this Act.

Explanation (2).—No person's name shall be included in the electoral roll for a ¹(district board) in more than one place.

⁵ [(2) As soon as may be after the electoral rolls for the Assembly constituencies which consist of, or comprise, the district or any portion thereof, have been published, revised or amended in pursuance of the Representation of the People

¹ These words were substituted for the words "local area" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the words "in the case of any territorial constituency of the Madras Legislative Assembly there is no distinct part of the electoral roll relating to a district the names of all persons who are entered or who are qualified to be included" by section 3 (1) (a) (ii) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951). Section 1 of Madras Act XXIV of 1951 came into force on the 25th September 1951; all other sections came into force on the 24th December 1951.

³ This word was substituted for the words "local area" by paragraph 29 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words which were omitted by section 3 (v) (b) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947), were inserted by section 3 (i) (a) (ii) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951), *ibid.*

⁵ This sub-section was substituted by section 3 (1) (b) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951), for sub-section (2) as substituted for original sub-section (2) by section 3 (iv) of the Madras District Municipalities and Local Boards (Amendment) Act, 1947 (Madras Act II of 1947) and amended by paragraph 29 (iii) of Schedule IV of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950). Section 1 of Madras Act XXIV of 1951 came into force on the 25th September 1951; all other sections came into force on the 24th December 1951.

Act, 1950, any person authorized by the prescribed authority in this behalf shall publish in such manner as the State Government may direct, the portions of the said rolls which relate to the district or of the alterations therein as the electoral roll for the district board or as alterations to such roll, as the case may be.] Central Act XLVIII of 1950..

(3) The electoral roll for a district board shall be divided into separate parts for each circle ¹[. . .].

²[(4)] Where after the electoral roll for a district board or any alterations thereto have been published under sub-section (2), the division of the district into circles is altered, ³[for the limits of the district are varied] the prescribed authority shall, in order to give effect to the alteration of the circles, ³[or to the variation of the limits] authorize a re-arrangement and re-publication of the electoral roll for the district board or any part of such roll in such manner as the ⁴(State) Government may direct.

² [(b) * * * *]

(5) The electoral roll for the ⁵(district board) published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force, until the publication of a fresh electoral roll for the ⁵(district board) under sub-section (2).

(6) Every person whose name appears in the electoral roll for the ⁵(district board) as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

¹ The words "and when a village has been divided into wards, the electoral roll for the panchayat shall be divided into separate parts for each ward" were omitted by paragraph 29 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² Clause (b) of sub-section (4) was omitted and clause (a) thereof was re-numbered as sub-section (4) by paragraph 29 (v), *ibid*.

³ These words were inserted by section 3 (1) (c) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951).

⁴ The word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Central
Act
XLIII of
1950.

¹ [(Explanation.—In this section and section 52, the expression 'Assembly constituency' shall mean a constituency provided by order made under section 9 of the Representation of the People Act, 1950*, for the purpose of elections to the Madras Legislative Assembly.)]

² [52. Notwithstanding anything contained in section 51 the prescribed authority may, after making such inquiry as he thinks fit, publish in such manner as the State Government may direct, amendments to the electoral roll for any district board for the purpose of bringing it into accord with the electoral roll for the relevant Assembly constituency.]

Power to
correct
electoral roll.

³ [53. Notwithstanding anything contained in ⁴ [sub-section (6)] 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 ⁵ (district board).]

Disqualifica-
tions of
voters.

⁶ [54. (1) No person shall be qualified for election to any seat on a ⁵ (district board), unless the name of such person appears on the electoral roll of that board:

Qualifica-
tions for
election.

⁷ (Provided that a person whose name appears in the electoral roll for a municipality [including the City of Madras] or a cantonment, situated within three miles of any district, which has been published under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Cantonments Act, 1924, and which is in force for the time being, shall be qualified for election to any seat on the district board for that district.)

Madras
Act IV
of 1919.
Madras
Act V of
1920.
Central
Act II of
1924.

(2) No officer of Government other than a village headman shall be qualified for election or for holding office as a member of a ⁵ (district board):

¹ This Explanation was substituted for the original Explanation by section 3 (1) (d) of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Madras Act XXIV of 1951). Section 1 of the Act came into force on the 25th September 1951 and the other section on the 24th December 1951.

² This section was substituted for original section 52 by section 3 (2), *ibid*.

³ This section was substituted for the original section 53 by section 46 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ This expression was substituted for the expression "sub-section (5)" by section 4 (4) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was substituted for the original section 54 by section 47 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This proviso was added by section 4 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

* See now the Delimitation Commission Act, 1952. (Central Act LXXXI of 1952).

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 ¹(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 ²(State Government) whose decision shall be final.]

Disqualifica-
 tions 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 ³ [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 ⁴[. . .] as a member of a ⁵(district board) while undergoing the sentence and for five years from the date of ⁶ [the expiration of the sentence].

(2) A person shall be disqualified for ⁷ [election] as a member of a ⁵(district board) if such person is at the date of ⁸[nomination or election]—

⁹ [(a)] of unsound mind, a deaf-mute or a leper;

⁹ [(b)] ¹⁰[an applicant to be adjudicated a bankrupt or insolvent or] an uncertificated bankrupt or undischarged insolvent;

¹ The words "servant of the Crown" were substituted for the words "servant of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

² The words "Provincial Government" were substituted for the words "Local Government" by *ibid* and the word "State" was substituted for "Provincial" by *ibid*.

³ These words were inserted by section 48 (i)(a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ The words "or appointment" were omitted by section 48 (i) (b), *ibid*.

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were substituted for the words "expiration of the sentence" by section 48 (i) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This word was substituted for the words "election or appointment" by section 48 (ii) (a), *ibid*.

⁸ These words were substituted for the words "nomination, election or appointment" by *ibid*.

⁹ Clauses (i) to (vi) were lettered as clause (a) to (f) respectively by section 48 (ii) (b), *ibid*.

¹⁰ These words were inserted by section 48 (ii) (c), *ibid*.

¹[(c)] interested in a subsisting contract made with, or any work being done for the ²(district board), except as a shareholder (other than a director) in ³[a company:]

⁴ [Provided that a person shall not be deemed to have any interest in ⁵ [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

(iii) any newspaper in which any advertisement relating to the affairs of the ²(district board) is inserted; or

(iv) the sale to the ²(district board) of any articles in which he regularly trades, or the purchase from the ²(district 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;]

⁶ [(cc) employed as paid legal parctitioner on behalf of the ²(district board) or as legal practitioner against the ²(district board);]

¹ [(d)] an officer or servant holding office under this Act or an honorary magistrate ⁷ [with jurisdiction over any part of the area of the ²(district board);]

¹ [(e)] already a member of the ²(district board) whose term of office will not expire before his fresh election ⁸[. . .] can take effect ⁹[or has already been elected a member of the ²(district board) whose term of office has not yet commenced;] ¹⁰[. . .]

¹ Clauses (i) to (vi) were lettered as clauses (a) to (f) respectively by section 48 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "an incorporated company" by section 48 (ii) (d) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ The proviso to sub-section (2) was inserted as a proviso to clause (c) as subsequently lettered by section 48 (ii) (e), *ibid.*

⁵ These words were substituted for the words "such a contract or work as aforesaid" by *ibid.*

⁶ This clause was inserted by section 48 (ii) (f), *ibid.*

⁷ 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.*

⁸ The words "or appointment" were omitted by section 48 (ii) (h), *ibid.*

⁹ These words were inserted by *ibid.*

¹⁰ The word "or" was omitted by section 3 (i) (a) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

¹ [(f)] ² [the servant or employer or the official subordinate or official superior of a member holding office at the said date;] ³ [or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the ⁴(district board) up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time if any specified therein for payment has expired.]

(3) Notwithstanding anything contained in sub-section (1), the ⁵ [State 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 ⁴(district board) shall cease to hold his office, if he—

(a) is sentenced by a ⁶ [criminal] court to such punishment ⁷ [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;

(d) subject to the proviso to ⁸[clause (c) of sub-section (2) of section 55], acquires any interest in any subsisting contract made with, or work being done for, the ⁴(district board) except as a shareholder (other than a director) in ⁹[a company;] ¹⁰[. . . .]

¹ Clauses (i) to (vi) were lettered as clauses (a) to (f) respectively by section 48 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This clause was substituted for clause (f) as lettered by section 48 (ii), *ibid.*

³ The word "or" and clause (g) were added by section 3 (i) (b) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ This word was inserted by section 49 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were inserted by *ibid.*

⁸ This expression was substituted for the words and figures "section 55, sub-section (2)" by section 49 (i) (b), *ibid.*

⁹ These words were substituted for the words "an incorporated company" by section 49 (i) (b), *ibid.*

¹⁰ 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 *ibid.*

¹ [(*dd*) is employed as paid legal practitioner on behalf of the ²(district board), or accepts employment as legal practitioner against the ²(district board);]

³ [(*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 ²(district board);]

(*f*) accepts employment under ⁴ [or becomes the official subordinate of] any other member;

⁵ [(*g*) ceases to reside in the district or in a municipality (including the City of Madras) or a cantonment, situated within three miles of the district;] ⁶[]

⁷ [(*gg*) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the ²(district board), within three months after a bill or notice has been served upon him under this Act, or where in the case of any arrear this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the ⁸(executive authority) of the ²(district board) to serve at the earliest possible date) has been duly served upon him by the ⁸(executive authority); or]

⁹ [(*h*) absents himself from the meetings of the ²(district 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:

¹ This clause was inserted by section 49 (i) (*c*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This clause was substituted for the original clause (*e*) by section 49 (i) (*d*) of Madras Act XI of 1930, *ibid*.

⁴ These words were inserted by section 49 (i) (*e*), *ibid*.

⁵ This clause was substituted by paragraph 30 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for clause (*g*) as substituted for the original clause (*e*) by section 49 (i) (*f*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ The word "or" was omitted by section 3 (ii) (*a*) of the Madras District Municipalities and Local Boards (Amendment) Act, 1940 (Madras Act XIV of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁷ This clause was inserted by section 3 (ii) (*b*), *ibid*.

⁸ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁹ This clause and Explanation were substituted for the original clause (*h*) and Explanation by section 2 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1934).

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.

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 ¹ [State 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) ² [or under section 59], he shall be restored to office for such portion of the period for which he was elected ³ [. . .] 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 ¹ [State Government]. And any person elected ³ [. . .] to fill the vacancy in the interim shall, on such restoration, ⁴ [vacate office].

⁵ [(4) Where a person ceases to be a member under clause (b) 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 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 ⁷ [. . .] as member of a ⁸ (district board) is

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words and figures were inserted by section 49 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ The words "or appointed" were omitted by section 49 (ii) (b), *ibid.*

⁴ These words were substituted for the words "vacate the office" by section 49 (ii) (c), *ibid.*

⁵ This sub-section was substituted for the original sub-section (4) by section 49 (iii), *ibid.*

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ The words "or appointed" were omitted by section 50 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

disqualified under ¹[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 ²[under section 56 or section 59,] such member or any other member may, and the ³[executive authority] at the request of the ⁴(district board) shall apply to the district judge of the district in which the area of the ⁴(district board) is situated.

(2) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under ⁵[sub-section (1) of section 54, section 55, section 56 or section 59,] and his decision shall be final.

⁶[(3) Pending such decision, the member shall be entitled to act as if he were not disqualified.]

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.

Infringement of secrecy of election.

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 ⁴(district board) for a period of five years from the date of his conviction ⁷[or for such shorter period as the court may by order determine].

Person convicted of election offences disqualified for voting and for being elected.

Central Act XLV of 1860.

⁸ [* * * * *]

¹ These words and figures were substituted for the words and figures "under section 55 or section 56" by section 50 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words and figures were inserted by section 50 (i) (c), *ibid.*

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ 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).

⁶ This sub-section was substituted for the original sub-section (3) by section 50 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were inserted by section 51 (i), *ibid.*

⁸ The proviso to the section was omitted by section 51 (ii), *ibid.*

¹ [CHAPTER IV-A.*Maintenance of order on election day and requisitioning of property for election purposes.*

Prohibition of public meetings on the election day.

59-A. (1) No person shall convene, hold or attend any public meeting within any circle on the date or dates on which a poll is taken for an election in that circle.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

Officers, etc., at elections not to act for candidates or to influence voting.

59-B. (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of canvassing in or near polling stations.

59-C. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

¹ This chapter was inserted by section 2 of the Madras District Board (Second Amendment) Act, 1904 (Madras Act XXII of 1954).

(d) persuading any elector not to vote at the election ;
or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

59-D. (1) No person shall, on the date or dates on which a poll is taken at any polling station, —

Penalty for disorderly conduct in or near polling stations.

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression “polling officer” means the polling officer of a polling station or if there is a presiding officer at the station, such presiding officer.

59-E. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

Penalty for misconduct at the polling station.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression “polling officer” has the same meaning as in section 59-D.

Removal of ballot papers from polling station to be an offence.

59-F. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Requisitioning of premises, vehicles, etc., for election purposes.

59-G. (1) If it appears to the State Government that in connexion with an election to be held to a district board—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connexion with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connexion with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) “ premises ” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) “ vehicle ” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

59-H. (1) Whenever in pursuance of section 59-G, the State Government requisition any premises, there shall be paid by the district board concerned to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

Payment of compensation.

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application within one month from the date of service of the order of requisition to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by that Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 59-G immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 59-G, the State Government requisition any vehicle, vessel or animal, there shall be paid by the district board concerned to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within one month from the date of service of the order of requisition to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

Power to
obtain infor-
mation.

59-I. *Power to obtain information.*—The State Government may, with a view to requisitioning any property under section 59-G or determining the compensation payable under

section 59-H, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

59-J. (1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 59-G should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

Powers of entry into and inspection of premises, etc.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 59-G.

59-K. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 59-G may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

Eviction from requisitioned premises.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

59-L (1) When any premises requisitioned under section 59-G are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

Release of premises from requisition.

(2) Where the person to whom possession of any premises requisitioned under section 59-G is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such

notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

Delegation of functions of the State Government with regard to requisitioning.

59-M. The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 59-G to 59-L shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

Penalty for contravention of any order regarding requisitioning.

59-N. If any person contravenes any order made under section 59-G or section 59-I, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.]

CHAPTER V.—POWERS OF DISTRICT BOARDS IN RESPECT OF PROPERTY AND ESTABLISHMENT.

Property.

Vesting of public roads and their appurtenances in district boards.

60. ¹ [(1) All public roads in any district which are classed as district roads and all public roads in non-panchayat areas in the district shall vest in the district board.]

(2) All pavements, stones and other materials of a public road ² [which vests in a district board under sub-section (1)] and all ³ [works], materials and other things provided for such a road, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the ⁴ (district fund) or otherwise, in, alongside or under ⁵ [any such road], and all

¹ This sub-section was substituted by paragraph 31 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for sub-section (1) of section 60 as substituted for the original sub-section (1) by section 52 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This expression was inserted by paragraph 31 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ 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).

⁴ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the words "any public road" by paragraph 31 (ii), *ibid.*

works, materials and things appertaining thereto, shall vest in the ¹ (district board) ² (.....).

(3) The ³ (State 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.

⁴ [60-A. Where any public road has been excluded from the operation of this Act under sub-section (3) of section 60 and placed under the control of the Highways Department of the ⁵ (State) Government (hereinafter referred to as the Highways Department), it shall be the duty of the ¹ (district board) to provide at the cost of the ⁶ (district fund), to such extent as the ⁵ (State) Government may by general or special order direct,—

Duty of district board in respect of public roads excluded from the operation of the Act.

⁷[(a) for the lighting, watering, scavenging and drainage of such road];

(b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside or under such road;

(c) for the provision, maintenance and repair of footways attached to such road:

Provided that where in the discharge of such duties, it is necessary for the ¹ (district board) to open and break up the soil or pavement of any such road, the ¹ (district board) shall obtain the previous consent of such officer of the Highways Department as the ⁵ (State) Government may by general or special order specify:

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The words "in which the public road vests" were omitted by paragraph 31, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Sections 60-A and 60-B were inserted by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1946 (Madras Act VII of 1946), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948). (Madras Act VII of 1946 came into force on the 23rd March 1946).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "local fund" by Madras Act X of 1950, *ibid.*

⁷ This clause was substituted for the original clause (a) by the Schedule to the Madras Re-enacting (No. III) Act, 1948 (Madras Act No. IX of 1948).

Provided further that in cases of emergency, the ¹ (district board) may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso.]

Compulsory transfer to Government of rest-house, travellers' bungalow, etc., vesting in district board.

² [60-B. (1) In the case of any public road referred to in section 60-A, the Chief Engineer, of the ³ (State) Government in charge of roads may, if in his opinion it is necessary to do so, by order in writing declare that—

(a) any rest-house or travellers' bungalow which vests in the ¹ (district board) and is in the vicinity of such road, is necessary for the proper inspection and maintenance of such road; or

(b) any tools and plant which vest in the ¹ (district board) are necessary for the purpose aforesaid.

On and from the date of the service of such order on the ¹ (district board), the rest-house, travellers' bungalow or tools and plant, as the case may be, shall vest in the ³ (State) Government.

(2) Where in pursuance of sub-section (1) any property of the ¹ (district board) vests in the ³ (State) Government the ¹ (district board) shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say:—

(a) In the case of a rest-house or travellers' bungalow the said Chief Engineer shall determine the amount of compensation payable, in consultation with the president of the ¹ (district board) concerned and the District Collector and in doing so, shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, in so far as they can be made applicable to the case.

Central Act I of 1894.

(b) In the case of tools and plant, their market value on the date of service of the order under sub-section (1) shall be determined by the said Chief Engineer in consultation with the president of the ¹ (district board) concerned.

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² Sections 60-A and 60-B were inserted by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1946 (Madras Act VII of 1946), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948). Madras Act VII of 1946 came into force on the 23rd March 1946.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(c) If the ¹ (district board) does not accept the amount determined by the said Chief Engineer under clause (a) or clause (b), the board may refer the matter to the ² (State) Government whose decision thereon shall be final and binding on the board and shall not be liable to be questioned in any court of law.]

61. All rubbish, sewage, filth and other matter collected by a ¹ (district board) under this Act shall belong to such ¹ (district board).

Collected sewage, etc., to belong to district boards.

62. The district board may, subject to such control as may be prescribed, by notification, declare that any immovable property ³ (vested in itself) shall vest in any ⁴ (panchayat) in the same district, and such property shall, from the date specified in the said notification, vest accordingly.

Transfer of immovable property from district board to a panchayat.

63. ⁵ [(1) (a)] Subject to the control of the ⁶ [State Government], the Board of Revenue may, by notification, with the consent of a ¹ (district board), make over to ⁷ [the district 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 ⁷ [the district board] as if it had been specially named in the said regulation, and the ¹ (district board) shall manage ⁸ [and superintend] such endowment.

Power to transfer to district boards charitable endowments under Madras Regulation VII of 1817 and resume charitable inams.

Madras Regulation VII of 1817.

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "vested in a local board" by paragraph 32 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This word was substituted for the words "other local board" by *ibid.*

⁵ Sub-section (1) of section 63 was lettered as clause (a) of that sub-section and clause (b) was added by section 2 (i) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ The words "district board" were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "local board" occurring in the words "the local board" as 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).

⁸ These words were inserted by section 53 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [(b) ² (The Board of Revenue shall, if so directed by the ³(State) Government, by notification, resume) the management and superintendence of any endowment made over to a ⁴ (district board) under clause (a); and upon such resumption, all the powers and duties attaching to the ⁴ (district board) in respect of the endowment shall cease and determine.]

(2) The ⁵ [State Government] or such other authority as they may empower in this behalf may, with the consent of a ⁴ (district board), assign to such ⁴ (district board) a charitable inam resumed by them or ⁶ [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 ⁴ (district board) may be applied ⁷ [and may revoke any assignment so made].

Limitation of power to accept property in trust.

64. A ⁴(district board) may accept trusts relating exclusively to the furtherance of ⁸ [any purpose] to which its funds may be applied.

¹ Sub-section (1) of section 63 was lettered as clause (a) of that sub-section and clause (b) was added by section 2 (i) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras (Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² These words were substituted for the words "The Board of Revenue may, of its own motion, and shall on a direction from the Provincial Government by notification, resume" by the Second Schedule to the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1947 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "the authority referred to above" by section 53 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were added by section 2 (ii) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁸ These words were substituted for the words "the purposes" by section 4 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [65. Subject to such rules as may be made by the ² [State Government], a district ³ (.) board or the ⁴ (executive authority) of a district ³ (.) board ⁵ (.) 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 [⁶(65-A. * * * * *)].

¹ [⁶(65-B. * * * * *)].

¹ [65-C. The ²[State Government] may, with the consent of a ⁷ (district board) make over to the ⁷ (district 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 district boards.

66. Any immovable property which any ⁷ (district 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 ⁷ (district board).

Immovable property required by district boards may be acquired under the Land Acquisition Act, 1894.

Central Act I of 1894.

Establishment.

⁸ [67. (1) The sanction of the ⁷ (district 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 district board.

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 "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "or taluk" were omitted by section 29 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ The words "or a collector, or any private person or body of persons" were omitted by paragraph 33 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ Sections 65-A and 65-B were omitted by paragraph 34, *ibid.*

⁷ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ This section was substituted for the original section 67 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 ¹ (district board) only at the instance of its ² (executive authority) and the ¹ (district board) may sanction them with or without modifications:

Provided that no proposal adversely affecting any officer or servant of the ¹ (district board) who has been in the permanent service of the ¹ (district 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.]

³ [(3) Notwithstanding anything contained in sub-sections (1) and (2), the ⁴ (State 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 ¹ (district board) or any class, of such officers and servants; and it shall not be open to the ¹ (district board) to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered, except with the previous sanction of the ⁴ (State Government).]

The district engineer and health officer.

⁵ [68. (1) Every district board shall, if so required by the ⁴ [State Government], sanction ⁶ [one or more posts of district engineer], ⁷ [and one or more posts of district health officer].

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This sub-section was added by section 30 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This section was substituted for original section 68 by section 57 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "a post of district engineer" by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁷ These words were substituted by paragraph 35 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "a post of district health officer and one or more posts of District Panchayat Officer" as substituted for the words "a post of district panchayat officer" by section 3 (ii), *ibid.*

(2) The salaries of these officers shall be fixed by the district board subject to the approval of the ¹ [State 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:

² (Provided that nothing contained in this sub-section shall be deemed to prevent the appointment of the same person as district engineer ³ [or district health officer] of two or more district boards.)

(4) No such officer shall be removed from office except with the consent of the ¹ (State 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 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)].

69. (1) On the occurrence of a vacancy in, or after the creation of, an office of district engineer ⁵ [or district health officer,] an appointment shall be made thereto by the ⁶ (executive authority) of the district board, subject to the approval

Filling up of the above appointments.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This proviso was added by section 31 (i) 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 health officer or district panchayat officer" by paragraph 35 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were inserted by section 31 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ These words were substituted by paragraph 36 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "district health officer or district panchayat officer" as substituted for the words "or district health officer" by section 58 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

of the ¹[State 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 ²(executive authority) of the district board not being confirmed by the ¹[State Government], within thirty days of the date of the receipt by the ²(executive authority) of the district board of the orders of the ¹[State Government].

(2) In default of an appointment being made by the ²(executive authority) of the district board as aforesaid, the ¹[State Government] may appoint a person to hold the office and such appointment shall, for all purposes, be deemed to have been made by the ²(executive authority) of the district board.

(3) Pending the settlement of an appointment under sub-section (1) or (2), the ²(executive authority) 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.

³[69-A. The ¹[State Government] may require a district board to appoint an educational officer or to provide such other agency as the ¹[State 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.]

⁴[69-B. * * * * *]

Appointment of Electrical Engineer for district boards.

⁵[69-C. (1) The ⁶(State) Government may appoint an electrical engineer to any district board ⁷[. . . .].]

¹ The words 'Provincial Government' were substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This section was inserted by section 32 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ This section which was inserted by section 32 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934), was omitted by paragraph 37 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was inserted by section 3 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

⁶ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁷ The words "or panchayat" were omitted by paragraph 38 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

which has undertaken the generation, transmission or supply of electrical energy.

(2) The ¹ (State) Government may recover from the ² (district board) concerned the whole or such proportion of the salary and allowances paid to any officer appointed under sub-section (1), and such contribution towards his leave allowances, pension and provident fund as the ¹ (State) Government may by general or special order determine.

(3) The ¹ (State) 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 sub-section (1).]

³ [70. Excepting the district engineer ⁴ (and the district health officer) all officers and servants of a ² (district board) shall be appointed by the ⁵ (executive authority) in accordance with ⁶ [any rules (including rules for the representation of different communities) which the ⁷ (State Government) may have made in this behalf]:

Filling up of appointments other than those of district engineer and health officer.

Provided that in case of emergency—

(a) the ⁵ (executive authority) 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 ² (district board); and

(b) every appointment made under clause (a) shall be reported by the ⁵ (executive authority) to the ² (district board) at its next meeting.]

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This section was substituted for the original section 70 by section 59 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted for the words "the district health officer and the district panchayat officer" by paragraph 39 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. II) Act, 1948 (Madras Act IX of 1948).

⁶ 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).

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Power of State Government to transfer officers and servants of district boards.

¹ [70-A. (1) Notwithstanding anything contained in this Act, ² (the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950), the ³ (State Government) shall have power to transfer any officer or servant of a ⁴ (district board) to the service of any other ⁴ (district board) or of any municipality constituted under the Madras District Municipalities Act, 1920 ⁵ [or of any panchayat constituted under the Madras Village Panchayats Act, 1950.]:

Madras Act V of 1920.
Madras Act X of 1950.
Madras Act V of 1920.
Madras Act X of 1950.

⁶ [Provided that no such transfer shall be made except after consulting the district board, and the other district board, the municipal council or the executive authority of the panchayat, as the case may be.]

(2) The ³ (State 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.

⁷ [71]. Subject to the ⁸ [provisions of this Act and of any rules which the ³ [State Government] may make] in this behalf, the district board may frame regulations in respect of officers and servants ⁹ [on its staff]¹⁰ [.]

¹¹ [(a) fixing the grades and scales of salaries, fees and allowances;]

¹ This section was inserted by section 3 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935). See also the corresponding section 34 (4) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words and figures were substituted for the words and figures "or in the Madras District Municipalities Act, 1920" by paragraph 40 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words and figures were inserted by paragraph 40 (ii), *ibid*.

⁶ This proviso was substituted for the original proviso by paragraph 40 (iii), *ibid*.

⁷ Sub-section (2) of section 71 was omitted and sub-section (1) thereof was re-numbered as section 71 by paragraph 41, *ibid*.

⁸ 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).

⁹ The words "on its staff and on the staff of all taluk boards and panchayats in the district" were substituted for the words "on the staff of all local boards in the district" by section 60 (i) *ibid* and 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).

¹⁰ The words "and on the staff of all panchayats in the district" were omitted by paragraph 41 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹¹ 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 ⁵ [State 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.

⁶ [(2) * * * * *]

72. Subject to the provisions of section 74 and to such control as may be prescribed, the ⁷ (executive authority) of a ⁸ (district board) may ⁹ [censure, fine, withhold promotion from,] reduce, suspend, remove or dismiss any officer or servant

Power to punish district board officers and servants.

¹ 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).

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 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ Sub-section (2) of section 71 was omitted by paragraph 41 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No III) Act, 1948 (Madras Act IX of 1948).

⁸ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ These words were substituted for the word "fine" by section 61 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

of the ¹ (district board) ²[in its service,] except the district engineer ³ [or the district health officer,] for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct :

⁴ [Provided that a fine shall not be imposed on any officer or servant of a ¹ (district board) unless he is a bill-collector or the holder of a post which is classified by the ⁵ (State) Government as inferior or menial.]

Power to grant leave to officers and servants of district boards.

⁶ [73.] The ⁷ [State Government] may grant leave to the district engineer, ⁸ (and the district health officer) and the ⁹ (executive authority) of the district board may grant leave to all other officers and servants of the district board.

⁶ [(2) * * * * *]

Power of State Government to appoint district engineers and health officers.

¹⁰ [73-A. Notwithstanding anything contained in this Act—

(a) the ⁷ [State 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;

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were inserted by section 61 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

³ These words were substituted for the words "the district health officer or the district panchayat officer" by paragraph 42 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This proviso was added by section 3 of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1942 (Madras Act XVIII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ This section was substituted for the original section 73 by section 62 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) and sub-section (2) of the section as so substituted was omitted and sub-section (1) thereof was re-numbered as section 73 by paragraph 43 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ These words were substituted for the words "the district health officer and the district panchayat officer" by paragraph 43 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹⁰ These section was inserted by section 2 of the Madras Local Board (Third Amendment) Act, 1933 (Madras Act XVIII of 1933).

(b) the ¹[State 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 ¹[State Government] may by general or special order determine;

(c) the ¹[State Government] may, at any time, withdraw any such officer and appoint another in his place; and

(d) the ¹[State 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).]

²[73-B. Notwithstanding anything contained in this Act the ¹[State 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-A³ (.) .]

Power of State Government to regulate conditions of service, etc., of educational officer, etc.

⁴[73-C. Notwithstanding anything contained in this Act, the ⁵[State] Government may appoint the District Engineer of the Highways Department to perform all the functions of the District Engineer or Engineers referred to in section 68, sub-section (1).]

Appointment of District Engineer of Highways Department to perform certain functions under the Act.

⁴[73-D. Every district board shall pay to the ⁵(State) Government in each year such contribution as they may, by general or special order, determine towards—

District Board to contribute towards the cost incurred by the State Government on account of salary, allowances, etc., of officers and servants of the Highways Department.

(i) the salaries, allowances including leave allowances, pensions and provident funds of District Engineers, Assistant Engineers, Supervisors and other subordinate officers and servants of the Highways Department working in the district; and

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² This section was inserted by section 36 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

³ The words, figures and letter "and of any person appointed under section 69-B" were omitted by paragraph 44 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ Sections 73-C and 73-D were substituted by the Schedule to the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), for section 73-C as inserted by section 5 of the Madras District Municipalities and Local Boards (Amendment) Act, 1946 (Madras Act VII of 1946), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948). Madras Act VII of 1946 came into force on the 23rd March 1946.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(ii) the expenses incurred by the officers and servants referred to in clause (i) on account of contingencies and the like.]

Government
Servants
employed by
district
boards.

74. (1) The ¹ [State Government] may, on the application of any ² (district board) place at its disposal the services of any Government servant ³ [employed in connexion with the affairs of the State] to be employed ⁴ [by it] for the purposes of this Act. The ² (district 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 ⁵ [also make any contribution towards the pension and leave allowances of such servant which may be required by the conditions of his service under the ⁶ (Government) to be made by him or on his behalf.]

(2) If such servant, while employed by the ² (district board), or if any other servant of the ² (district board), does any work for ⁷ [the State Government] or for any public or private body, the ¹ [State Government] or the public or private body concerned, as the case may be, shall contribute to the ² (district board) so much of the salary of such servant as the ¹ [State Government] may consider to be an equivalent for such work.

⁸ [(3) No Government servant employed by a ² (district board) shall be dismissed or removed from such employment—

(a) in case he is employed as a medical officer, without the consent of the ⁹ (State) Government; and

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by the Adaptation Order of 1937 and the word "Province" was replaced by the word "State" by the Adaptation Order of 1950.

⁴ These words were inserted by section 63 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "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" by the Adaptation Order of 1937.

⁶ This word was substituted for the word "Crown" by the Adaptation Order of 1950.

⁷ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937, and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁸ This sub-section was substituted for sub-section (3) of section 74 by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1942 (Madras Act XII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948). (Madras Act XII of 1942 deemed to have come into force on the 21st March 1941).

⁹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(b) in any other case, without the consent of the ¹ [State] 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 the Government servant belongs.]

(4) No Government servant employed by a ² (district board) shall, except, in case of emergency, be withdrawn from the service of the ² (district board), without its consent unless and until the ³ [State Government] shall have given three months' notice in writing to that effect to the ² (district board) or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by ² (district boards) shall be entitled to leave and other privileges in accordance with the regulations applicable to the department to which they belong.

⁴ [74-A. (1) Notwithstanding anything contained in this Act, the ³ [State Government] may, by notification, constitute any class of officers or servants of ² [district boards] into a ⁵ (separate service) for the Presidency of Madras:

Provincialisation of any class of officers or servants of district boards.

Provided that no notification shall be issued under this sub-section—

(i) unless all the ² (district boards) concerned have been consulted in respect thereof; and

(ii) unless a majority of the ² (district boards) so consulted have passed a resolution supporting such issue.

(2) Upon the issue of a notification under sub-section (1) the ³ [State 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,

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ This section was added by section 64 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "local fund service" by paragraph 45 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

pay and allowances, and discipline and conduct of the ¹[. . .] service thereby constituted and such rules may vest jurisdiction in relation to such service in the ²[State Government] or in such other authority or authorities as may be prescribed therein.]

PART III.—FINANCE.

CHAPTER VI.—TAXATION.

Land-cess. ³ [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]

Duty on transfers of property. ⁴ [74-C. In every district, a duty shall be levied ⁵ (in all non-panchayat areas) on certain transfers of property in accordance with the provisions hereinafter contained in this Act.]

Taxes. 75. ⁶ [(1) A district board may by a resolution determine that a profession tax shall be levied in all non-panchayat areas in the district or in any non-panchayat area specified in the resolution.]

⁷ [(2) * * * * *]

¹ The words "local fund" were omitted by paragraph 45 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This section was inserted by section 65 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ This section was inserted by section 3 (i) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁵ These words were inserted by paragraph 46 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This sub-section was substituted for the original sub-section (1) by paragraph 47 (i), *ibid.*

⁷ Sub-section (2) was renumbered as sub-section (3) and new sub-section (2) was inserted by section 66 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) and the said sub-section as so renumbered was omitted by paragraph 47 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹[(3)] Save as otherwise expressly provided by this Act—

(a) ²(the profession tax) ³[. . . .] may be levied at different rates in different portions of a district; ⁴[and]

(b) any resolution ⁵[of the district board] abolishing an ⁶(existing profession tax) ⁷[. . . .] or reducing the rate at which ⁸(a profession tax) ⁷[. . . .] is levied shall be immediately ⁹[reported to the ¹⁰(State Government)] and ¹¹(if the district board has an outstanding loan), such abolition or reduction shall not be carried into effect without the sanction of the ¹⁰[State Government].

¹²[(4) Where a resolution under sub-section (1) ¹³(.) has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution ¹⁴(.) so far as that year is concerned shall without the sanction of, or a direction from, the ¹⁰[State Government], be taken into consideration by the district board ¹⁵(.)].

¹ Sub-section (2) was renumbered as sub-section (3) and new sub-section (2) was inserted by section 66 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "taxes" by paragraph 47 (iii) of Schedule IV to the Madras Village Panchayats Acts, 1950 (Madras Act X of 1950).

³ The words "and tolls" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ This word was inserted by section 66 (iii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 66 (iii) (b), *ibid.*

⁶ These words were substituted for the words "existing tax" by paragraph 47 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁸ These words were substituted for the words "a tax" by paragraph 47 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ 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).

¹⁰ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹¹ These words were substituted for the words "in the case of local boards which have an out standing loan" by paragraph 47 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹² This sub-section was inserted by section 66 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹³ The words, figure and brackets "or a notification under sub-section (2)" were omitted by paragraph 47 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁴ The words "or notification" were omitted by *ibid.*

¹⁵ The words "or panchayat, as the case may be" were omitted by *ibid.*

Pilgrim tax

76. With the previous sanction of the ¹ [State Government] and the ² [Central Government], a district board may ³ [by a resolution] determine to levy a tax on persons ⁴ [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 :]

Provided that no portion of the proceeds of ⁵ [such tax] ⁶ [.] shall be expended for ⁷ [purposes other than making arrangements for the health and comfort of the pilgrims resorting to, or the improvement or development of, such local area.]

Saving for certain provisions of the Constitution.

⁸ [76-A. Notwithstanding anything in the foregoing provisions of this Part of this Act a ⁹ (district board) shall not, after the commencement of ¹⁰ (the Constitution), have power to levy any tax which the ¹¹ (State) Legislature has no power to impose in the ¹² (State) under ¹³ (the Constitution) :

Provided that a ⁹ (district board) which immediately before that date was lawfully levying any such tax under this Act as then in force may continue to levy that tax until provision to the contrary is made by ¹⁴ (Parliament by law).]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "Government of India" by the Adaptation Order of 1937.

³ These words were inserted by section 67 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ 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.*

⁵ These words were substituted for the words "such a tax" by section 67 (iii), *ibid.*

⁶ The words "except with the sanction of the Local Government" were omitted by *ibid.*

⁷ These words were substituted for the words "purposes other than the improvement or development of the place of pilgrimage" by *ibid.*

⁸ This section was inserted by the Adaptation Order of 1937.

⁹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ These words were substituted for the words "Part III of the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

¹¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

¹² This word was substituted for the word "Province" by *ibid.*

¹³ These words were substituted for the words "that Act" by the Adaptation (Amendment) Order of 1950.

¹⁴ These words were substituted for the words "the Central Legislature" by *ibid.*

¹[77. ²[(1)] Any resolution of a district board determining to levy any tax ³[.] 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 ³[.] shall be levied.

Resolution and notification regarding levy of taxes.

²[(2)] When by any such resolution, a district board determines to levy any tax ³[.] for the first time or at a new rate, the ⁴(executive authority) of the district board shall forthwith publish a notification in the prescribed manner specifying the particulars referred to in ⁵[sub-section (1)] and contained in such resolution.

²(* * * * *).]

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 ⁷(two annas) in the rupee of the annual rent value of all such lands in the district.]

Land-cess.

⁷⁹. ⁸[The annual rent value shall, for the purposes of section 78, be calculated in the following manner :—]

Annual rent value of lands how fixed.

(i) In the case of lands held direct from Government on ryotwari tenure or on lease or licence, ⁹[.] the assessment, lease amount, royalty or other sum payable to Government

¹ This section was substituted for original section 77 by section 68 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

² Sub-section (2) of section 77 was omitted and clauses (a) and (b) of sub-section (1) were re-numbered as sub-sections (1) and (2) respectively by paragraph 48 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948, (Madras Act IX of 1948).

⁵ This expression was substituted for the expression "clause (a)" by paragraph 48 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was substituted for original section 78 by section 69 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted for the words "one anna and a half" by section 2 of the Madras Local Boards (Amendment) Act, 1945 (Madras Act X of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948). Madras Act X of 1945 came into force on the 1st July 1945.

⁸ This paragraph was substituted for the original opening paragraph by section 70 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ The words "and also in the case of lands situated in the district of Malabar on whatever tenure held" were omitted by clause 4 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

for the ¹ [lands,] together with any water-rate which may be payable ² [for their irrigation,] shall be taken to be the annual rent value ³ [.]

(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.

⁴ [(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.]

⁴ [(iv) In the case of lands, the assessment of 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 ⁵ [or sub-landholder] has obtained under the provisions of sections 30 (iii)

¹ This word was substituted for the word "land" by section 70 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "for its irrigation" by *ibid.*

³ The words "of such lands" were omitted by section 70 (ii) (b), *ibid.*

⁴ Clauses (iii) and (iv) were substituted for original clauses (iii) and (iv) by section 70 (iii), *ibid.*

⁵ These words were inserted by section 70 (v), *ibid.*

Madras
Act I of
1908.

and 33 of the Madras Estates Land Act, 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.

¹ [So. (1) ² [The rent value of the lands referred to in clause (iii) of section 79 shall be fixed by the district collector for a triennium and shall not be revised or altered during the triennium provided that clerical or arithmetical mistakes may be corrected.]

Certain
landholders
and sub-land
holders to
furnish lists
of their lands
to district
collector.

³ [For the purpose of fixing the rent value of the lands aforesaid, the district collector shall], 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 ⁴ (every fasli year) with an accurate list of the lands held by him whether occupied by tenants or by himself, specifying the particulars referred to in sub-section (2) :

Madras
Act II of
1894.

⁵ [Provided that for the purpose of fixing the rent value of such lands for the triennium comprising the fasli years 1353, 1354 and 1355, the district collector shall have power to require any landholder or sub-landholder to furnish him with a list as aforesaid for all or any of the fasli years 1350, 1351 and 1352].

(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.

¹This section was substituted for the original section 80 by section 71 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This paragraph was inserted by section 3 (i) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No I) Act, 1948 (Madras Act VII of 1948).

³ These words were substituted for the words "the district collector may" by section 3 (ii), *ibid.*

⁴ These words were inserted by *ibid.*

⁵ This proviso was added by section 2 of the Madras Local Boards (Amendment) Act, 1944 (Madras Act VI of 1944), re-enacted permanently by section 2 of, and the First Schedule to, *ibid.*

(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 cess according to lists, if they are correct.

¹ [81. If the district collector is satisfied with the lists furnished by a landholder or sub-landholder in compliance with requisitions made under section 80 for each of the three fasli years preceding any triennium he shall assess such landholder or sub-landholder for the triennium with reference to the average annual rent value of his lands as disclosed in the lists aforesaid.]

Penalty for failure to furnish such lists.

² [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, ³ (but the penalty imposed shall in no case exceed three thousand rupees.) The amount of such penalty shall be fixed by the district collector and shall be recoverable as an arrear of land-cess.]

District Collector may fix the annual rent value.

83. If no such list be furnished by ⁴ [a landholder or sub-landholder] ⁵ (in respect of any one or more of the three fasli years preceding the triennium) within one month from

¹ This section was substituted for the original section 81 by section 4 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² This section was substituted for original section 82 by section 73 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were inserted by section 5 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ These words were substituted for the words "any land holder" by section 74 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 6 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

the expiration of the ¹ [period of six months referred to in section 82,] the district collector shall himself fix the annual rent value of the ² [lands of such landholder or sub-landholder] ³ [for the triennium].

Madras Act III of 1869.

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 ⁴ [such list] shall not have been furnished ⁵ [for any of the three fasli years preceding the triennium], 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 inquiries as may be necessary.

Power of district collector to summon parties.

Madras Regulation XXIX of 1802.

⁷ [85. (1) If after due inquiry, the district collector is dissatisfied with any list or lists furnished by a landholder or sub-landholder for any one or more of the three fasli years preceding the triennium, he shall amend such list or lists and supply the landholder or sub-landholder with a copy of the list or lists as so amended.

Power of district collector to amend lists and assess landholder or sub-landholder according to lists as amended.

(2) The district collector shall assess the landholder or sub-landholder for the triennium with reference to the average annual rent value of his lands as disclosed by the lists for the three fasli years preceding the triennium, as amended under sub-section (1) and furnish the landholder or sub-landholder with a statement showing the annual rent value of his lands as fixed for the triennium.]

¹ These words and figures were substituted for the words "six months aforesaid" by section 74 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "lands held by such landholder as aforesaid" by *ibid.*

³ These words were inserted by section 6 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ These words were substituted for the words "such lists" by section 75 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 7 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁶ This word and these figures were substituted for the words "the last preceding section" by section 75 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This section was substituted for original section 85 by section 8 of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

Appeal to Board of Revenue.

86. (1) An appeal shall lie to the Board of Revenue from ¹ [any assessment made by the district collector under sub-section (2) of section 85.]

(2) Such appeal shall be preferred within six weeks from the date ² [on which] ³ [the statement referred to in sub-section (2) of section 85 is furnished] to the landholder ⁴ [or sub-landholder.]

(3) The order made ⁵ [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 ⁶ [lands held] on ryotwari tenure, the amount of the land-cess payable by the landholder shall be entered in his patta.

Payments of land-cess by landholders and sub-landholders.

⁷ [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

¹ These words, brackets and figures were substituted for the words and figures "the decision of the district collector under section 85" by section 9 (i) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

² These words were substituted for the word "when" by section 77 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words, figures and brackets were substituted for the words "the copy of the amended list is supplied" by section 9 (ii) of the Madras Local Boards (Amendment) Act, 1943 (Madras Act XIII of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁴ These words were inserted by section 75 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 77 (iii), *ibid.*

⁶ These words were substituted for the words "land held" by section 78, *ibid.*

⁷ This section was substituted for original section 88 by section 79, *ibid.*

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.]

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 proviso 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. Powers of landholders.

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.

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 Remission of land-cess on permanently settled revenue payable to Government.

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 and figures 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 *ibid.*

⁸ The word "whole" was omitted by section 81 (ii), *ibid.*

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.

¹ [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 direct 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 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.

² [.].

Apportion-
ment of land
cess.

³ [92. The proceeds of the land-cess shall be credited to the district fund :

Provided that the cess collected in any panchayat area shall be distributed as follows :—

(a) three-fourths of the cess shall be credited to the district fund, and

(b) one-fourth of the cess shall be credited to the panchayat fund.]

Profession tax.

Profession
tax.

⁴ [93. (1) If the district board by a resolution determines that a profession tax shall be levied in any ⁴ (non-panchayat area)—

every company which, after the date specified in the notification published under ⁵ [sub-section (2) of section 77], transacts business in such ⁴ (non-panchayat area) for not less than sixty days in the aggregate in any half-year; and

¹ This section was substituted for original section 91 by section 82 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² Section 92 and the heading thereto were omitted by section 83 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), and the present section 92 was inserted by paragraph 49 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ 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).

⁴ These words were substituted for the words "local area" by paragraph 50 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words, brackets and figures were substituted for the words, brackets, letter and figures "clause (b) of sub-section (1) of section 77" by *ibid.*

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 ¹ (non-panchayat area) for not less than sixty days in the aggregate, or

(ii) without such ¹ (non-panchayat area), but who resides in it for not less than sixty days in the aggregate ; or

(b) resides in such ¹ (non-panchayat 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 ² (district 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 ² (district board), municipal council 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.

(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 ³ (State Government) shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the ³ (State Government) shall be final :]

¹ These words were substituted for the words "local area" by paragraph 50 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the words "local board" by paragraph 1, *ibid*.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹ [Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the ² (State) Government shall be subject to the concurrence of the Central Government.]

Liability of members of firms, associations and joint Hindu families to profession tax.

³ [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 servants or agents to profession tax.

³ [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 ⁴ (non-panchayat area), such company or person shall be deemed to transact business in the ⁴ (non-panchayat 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.

(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.]

³ [⁵ (95. * * * * *).]

Service of notice on failure of payment of tax.

³ [96. If the profession tax due from any company or person is not paid, the ⁶ (executive authority) of the ⁷ (district board) shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.]

Statements, returns, etc., to be confidential.

³ [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.]

¹ This proviso was inserted by the Adaptation Order of 1937.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ 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).

⁴ These words were substituted for the words "local area" by paragraph 50 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was omitted by paragraph 52, *ibid.*

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Panchayats Act, 1950 (Madras Act X of 1950).

97. The ¹[² (executive authority) of the ³ (district board)] 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 ⁴[persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers] and specifying the profession, art, ⁵[. . . .] or calling of every such person and the rent, if any, paid by him and the period of such occupation.

Notice to owner or occupier to furnish list of persons liable to tax.

⁶[.]

⁶ [98 to 103. * * * * .]

⁷[.]

⁷ [104 to 109. * * * * .]

Pilgrim tax.

⁸ [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.

Levy of pilgrim tax.

(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 ⁹ (State 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

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 word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950)

⁴ These words were substituted for the words "persons occupying such building or land" by section 85 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The word "trade" was omitted by section 85 (iii), *ibid.*

⁶ Sections 98 to 103 and the heading thereto were omitted by paragraph 53 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ 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).

⁸ This section was substituted for the original section 110 by section 99 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

date and during the period specified in the notification published under ¹ [sub-section (2) of section 77] 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 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 :—

(1)	Tax.					
	For limited periods.			Through-out the year.		
	(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.

² [(4-A) The proceeds of the pilgrim tax shall be credited to the district fund :

Provided that where the tax is levied in respect of a panchayat area and the occasion for pilgrimage is not a festival classified as a district festival, the proceeds shall be credited to the panchayat fund.]

(5) The ³ [State Government] may make rules not inconsistent with this Act for regulating—

- (i) the collection of the tax,
- (ii) the payment thereof to the ⁴ [district board or panchayat] concerned,
- (iii) the deduction of any expenses incurred by railway administrations in the collection thereof, and

¹ This expression was substituted for the expression "clause (b) of sub-section (1) of section 77" by paragraph 54 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This sub-section was inserted by paragraph 54 (ii), *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "local board" by paragraph 54 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(iv) the decision of disputes—

(a) between ¹ [district boards or panchayats] and between ¹ [district boards or panchayats] and other local authorities ; and

(b) ² [.] between ¹ [district boards or panchayats] and railway administrations in matters connected with the levy, collection or apportionment of the tax :]

³ [Provided that rules relating to the decision of disputes shall not have effect in relation to any dispute where one of the parties is a cantonment authority, or the administration of any railway as defined in clause (20) of article 366 of the Constitution, unless the rules are made with the concurrence of the Central Government.]

⁴ [Duty on transfers of property.]

⁵ [110-A. The duty on transfers of property shall be levied—

Method of assessment of duty on transfers of property.

Central Act II of 1899.

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated ⁶ [in any non-panchayat area] under the jurisdiction of a ⁷ [district board] ; and

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :—

Description of instrument.

Amount on which duty should be levied.

(i) Sale of immovable property. ... The amount or value of the consideration for the sale, as set forth in the instrument.

¹ These words were substituted for the words " local boards " by paragraph 54 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The words " with the previous sanction of the Government of India " were omitted by the Adaptation Order of 1937.

³ This proviso was substituted for the original proviso by the Adaptation (Amendment) Order of 1950.

⁴ This heading was inserted by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁵ This section was substituted by section 4 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950 (Madras Act VII of 1950), for section 110-A as inserted by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁶ These words were substituted for the words " in the area " by paragraph 55 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the words " local board " by paragraph 1, *ibid.*

Description of instrument.	Amount on which duty should be levied.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.]

Provisions applicable on the introduction of transfer duty.

¹ [110-B. On the introduction of the transfer duty—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated ² [in any non-panchayat area] under the jurisdiction of a ³ [district board] and outside such area ;

Central Act II of 1899.

(b) section 64 of the same Act shall be read as if it referred to the ³ [district board] concerned as well as the Government.]

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

¹ [110-C. The ⁴ [State] Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the ⁵ [district boards] concerned and the deduction of any expenses incurred by the Government in the collection thereof.]

¹ Sections 110-B and 110-C were inserted by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1945 (Madras Act XX of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act, 1948 (Madras Act VII of 1948).

² These words were substituted for the words "in the area" by paragraph 55 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "local board" by paragraph 1, *ibid.*

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X 1950).

¹ [*Exemption and waiver.*]

III. ² [The district board] may exempt any person or class of persons wholly or in part from the payment of any tax ³ [.] ⁴ [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 ⁵ (district board.)]

Power to exempt from taxes.

⁶ [III-A. Subject to such restrictions and control as may be prescribed, a ⁷ [district board] may write off any tax, ⁸ [.] 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, ⁹ [.] fee, amount or sum is irrecoverable.]

Power to write off irrecoverable taxes, etc.

CHAPTER VII.—GENERAL PROVISIONS RELATING
TO FINANCE.

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—

Purposes to which district funds may be applied.

(i) the construction, repair and maintenance of roads bridges and other means of communication;

(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 ⁸ [the ⁵ (district board)];

(iii) the construction and maintenance of hospitals, dispensaries, poor houses, orphanages, choultries, markets,

¹ This heading was inserted by section 100 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words and figures "Subject to the provisions of section 103, the district board" by paragraph 56 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ This sentence was added by section 100 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was added by section 100 (2) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The word "toll" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁸ The words "the local board" 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).

¹ [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 ² [district board] ;

(vii) the payment of any amounts falling due on any loans legally contracted by ³ [the district board] ;

(viii) the payment of sums falling due under any decree of a court and of refunds sanctioned by the ² [district 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 :

⁵ [Provided that nothing contained in this sub-section shall be deemed to enable a district board to expend its moneys within any panchayat area for any purpose exclusively within the jurisdiction of the panchayat, except with the general or special sanction of the State Government.]

¹ These words were inserted by section 101 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "the local board" were substituted for the words "a local board" by section 101 (i) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), and the words "district board" were substituted for the words "local board" by *ibid*.

⁴ These words and brackets were inserted by section 101 (i) (d) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ This proviso was added by paragraph 57 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(2) The funds of a ¹ [district board] shall be applicable to the purposes mentioned in sub-section (1) within the ² [district], subject to the rules in Schedule V and any further rules which may be prescribed; and shall ³ [subject as aforesaid] be applicable to such purposes outside the ⁴ [district] if the expenditure is authorized by this Act or is specially sanctioned by the ⁵ [State Government].

113. (1) ⁶ [.] A district board may—

(a) ⁷ [with the previous sanction of the ⁸ (State) Government and of ⁹ (.) the Central Government] construct and maintain within, or partly within and partly without, ¹⁰ [the district] a railway under the provisions of any law for the time being in force relating to the construction and maintenance of railways;

Construction and maintenance of railways, tramways, etc.

(b) subscribe to any debenture loan raised ¹¹ [by the Central or the ⁸ (State) Government] or by any local authority or by any ¹² [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;

Central Act VII of 1913.

(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 ⁵ [State Government], a district board may, in all or any of the above ways, construct or maintain or assist the construction or maintenance

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This word was substituted for the words "area of the local board" by paragraph 57 (ii), *ibid.*

³ These words were inserted by section 101 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ This word was substituted for the words "local board area" by paragraph 57 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ The words "With the previous sanction of the Government of India" were omitted by the Adaptation Order of 1937.

⁷ These words were inserted by *ibid.*

⁸ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁹ The words "the Federal Railway Authority or" were omitted by the Adaptation (Amendment) Order of 1950.

¹⁰ These words were substituted for the words "the local area for which it is established" by section 102 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹¹ These words were substituted for the words "by the Government of India" by the Adaptation Order of 1937.

¹² These words were substituted for the words and figures "company registered under the Indian Companies Act, 1913" by section 102 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

* See now the Companies Act, 1956 (Central Act I of 1956).

of a tramway, rope-way, motor omnibus or other transport service within, or partly within and partly without, ¹[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 ²[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.

Constitution of district fund.

114. There shall be constituted for each district a district fund, ³[. . . .] ⁴[. . . .].

⁵[114-A. * * * * *]

Receipts and charges of the different classes of district funds.

115. The rules embodied in Schedule V regarding ⁶[the charges to be debited to, and the receipts to be placed to the credit of ⁷(district funds)] and regarding the administration of those funds, shall be read as part of this chapter.

Preparation and sanction of budgets.

116. (1) The ⁸[executive authority] of each ⁹[district board] shall in each year frame, and place before ¹⁰[the district

¹ These words were substituted for the words "the local area for which it is established" by section 102 (ii) 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 "in regard to the matters specified in sub-sections (1) and (2)" by section 102 (iii), *ibid.*

³ 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).

⁴ The words "and for each village a village fund" were omitted by paragraph 58 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was omitted by section 38 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁶ 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).

⁷ These words were substituted for the words "village and district funds, respectively" by paragraph 59 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ The words "the local board" were substituted for the words "his board" by section 106 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), and the words "district board" were substituted for the words "local board" by *ibid.*

board], a budget showing the probable receipts and expenditure during the following year.

¹ [(2) ² [The district board] shall sanction the budget with such modifications, if any, as it thinks fit.]

³ [(3) * * * * *]

117. (1) The district board shall, ⁴ [in each year not later than such date as may be fixed in this behalf by the ⁵ (State Government)] submit to the ⁶ [State Government] ⁶ [its budget] for the following year ⁷ [.].

Submission of consolidated budget to Government and their control.

(2) If such ⁸ [.] budget fails to provide for the due discharge of all liabilities in respect of loans contracted by ⁹ [the district board] or for the maintenance of a working balance, the ⁶ [State Government] may direct that ¹⁰ [any part of the budget shall be so modified] as to ensure that such provision is made.

118. ¹¹ [* * * * *]

119. If in the course of a year a ¹² [district 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 sub-

Revised or supplemental budget.

¹ This sub-section was substituted for original sub-section (2) by section 105 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "Every local board" by paragraph 60 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This sub-section was omitted by paragraph 60 (ii), *ibid.*

⁴ 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).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "a consolidated budget" by paragraph 61 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words "of itself and of all panchayats in the district" were omitted by *ibid.*

⁸ The word "consolidated" was omitted by paragraph 61 (ii), *ibid.*

⁹ These words were substituted for the words "any local board" by *ibid.*

¹⁰ 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).

¹¹ This section was omitted by paragraph 62 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹² These words were substituted for the words "local board" by paragraph 1, *ibid.*

mitted in the manner provided in ¹ [sections 116 and 117], provided that any alteration in the amount allotted for the service of debt or in the working balance shall be made only with the consent of the ² [State Government.]

Appoint-
ment of
auditors
of accounts.

120. The ² [State Government] shall appoint auditors of the accounts of ³ [the receipts and expenditure of every ⁴ (district fund)]. Such auditors shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penal Code.

Central
Act XXIV
of 1860.

Contribu-
tions to
expenditure
by other
local autho-
rities.

121. (1) If the expenditure incurred by the ² [State Government] or by any other ⁵ [district 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 ⁶ [of the district or any part thereof], the ⁵ [district board] may, with the sanction of the ² [State Government], make a contribution towards such expenditure.

(2) The ² [State Government] may direct a ⁵ [district 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 ⁵ [district board] fails to show cause within the said period to the satisfaction of the ² [State Government] the ² [State 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
State
Government

⁷ [121-A. Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the ² [State 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 ⁵ [district board] for any purpose to which the funds of the said board may be applied under this Act.]*

Central
Act IIX
of 1914.

¹ These words and figures were substituted for the words and figures "section 116" by section 109 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "receipts and expenditure of the local fund" by section 110 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the words "local board" by *ibid.*

⁶ These words were substituted for the words "of a local board area" by paragraph 63, *ibid.*

⁷ This section was inserted by section 111 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

PART IV.—PUBLIC HEALTH, SAFETY AND
CONVENIENCE.

CHAPTER VIII.—PUBLIC HEALTH.

¹ [Application of chapter to panchayat areas.]

¹ [121-B. The provisions of this chapter, except sections 137, 138 and 139, shall not apply to any panchayat area unless the State Government by general or special order, otherwise direct.]

Provisions of chapter except sections 137, 138 and 139 not to apply to panchayat areas.

Private and public tanks or wells.

122. ² [The ³ (executive authority) of a ⁴ (district board)] 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 ³ [executive authority] 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 ³ [executive authority] 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 :

Closing and cleansing of wells, etc.

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

¹ This heading and section were inserted by paragraph 64 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

fencing of such well, tank or reservoir shall be ¹ [paid by the ² (district board) from the ³ (district fund)].

Filling in of pools, etc., which are a nuisance or may prove dangerous to public health.

123. (1) If in the opinion of the ⁴ [⁵ (executive authority) of a ² (district board)]—

(a) any tank, well, pond, pool, ditch, bog, swamp, quarryhole, 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 ⁶ [prove injurious to health or offensive to the neighbourhood] by becoming a breeding place of mosquitoes, or in any other manner,

he may, ⁷ [. . .] by notice require the owner ⁸ [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 ⁹ [any person] on whom such notice is served delivers to the ⁵ [executive authority] within the time specified for compliance therewith, written objections to such requisition, the ⁵ [executive authority] shall report on such objections to the ¹⁰ [district board] and shall not institute any prosecution for failure to comply with such requisition except with the

¹ These words were substituted for the words "paid by the taluk or union board from the taluk or union fund" by section 112 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "village fund" by *ibid.*

⁴ 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).

⁵ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted for the words "prove injurious to the health of the neighbourhood" by section 113 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

⁷ The words "with the approval of the local board concerned" were omitted by section 113 (i) (c), *ibid.*

⁸ These words were inserted by section 113 (i) (d), *ibid.*

⁹ These words were substituted for the words "an owner" by section 113 (ii) (a), *ibid.*

¹⁰ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 113 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

approval of the ¹ [district board]. The ² [executive authority] 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 ³ [decision of the ¹ (district board)]. The ⁴ [district board] shall decide, in every such case, whether the cost of the work executed shall be paid by the owner or the ⁵ [district board] or shall be shared and, if so, in what proportion.

124. ⁶ [(1) (a) The ⁷ (district board) 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. Setting apart of public tanks, etc., for certain purposes.

(b) The powers conferred by clause (a) may, in the case of any private spring, tank, well or water-course, be exercised by the ⁷ (district board) with the consent of the owner of such place.

(c) The ⁷ (district board) 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.]

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "board concerned" by section 113 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president" by section 2(2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the words "local board's decision" by section 113 (ii) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 113 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the word "board" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

⁶ This sub-section was substituted for original sub-section (1) by section 114 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(2) The ¹ [executive authority] of a ² [district board], on receipt of a certificate from any medical officer in ³ [district board] or Government employ stating that the water in any well, tank or other source of water-supply to which the public have access ⁴ [. . .] is likely to endanger 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 ¹ [executive authority] 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 ⁵ [or cooking] purposes either ⁶ [by a ⁷ (district board)] 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.

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as 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).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ The words "in the village" were omitted by paragraph 65, *ibid.*

⁵ These words were inserted by section 115 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "by a taluk or by a union board" by section 115 (ii), *ibid.*

⁷ These words were substituted for the words "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹ [126. Every ² [district board]—

(i) shall maintain in a cleanly condition all wells, tanks and reservoirs ³ [* * *] 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 district boards.

(ii) shall have control of all waterways ⁴ [* * * *] 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 ⁵ [State Government] ⁶ [

* *] and may do all things necessary ⁷ [for their maintenance, repair and improvement with a view to their use by the public but shall not be entitled to levy any fees in respect thereof].

⁸ [126-A. All wells, tanks, reservoirs and waterways referred to in section 126 when maintained by a ² [district board] shall be open to use and enjoyment by persons of whatever caste or creed.]

Public wells, etc., open to all persons.

Scavenging.

127. The ⁹ [executive authority] of a ¹⁰ [district board] 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 ⁹ [executive authority] and on

Cleansing of private latrines, etc.

¹ This section was substituted for original section 126 by section 116 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "in the village" were omitted by paragraph 66 (i), *ibid.*

⁴ The words "in the village" were omitted by paragraph 66 (ii), *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ The words "or of the district board" were omitted by paragraph 66 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the words "for the maintenance, repair and improvement thereof" by *ibid.*

⁸ This section was inserted by section 2 of the Madras Local Boards (Fourth Amendment) Act, 1933 (Madras Act XXIII of 1933).

⁹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹⁰ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk or union board" by section 117 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

payment of fees at such rate calculated to cover the cost of the service as the ¹ [district board] may have laid down.

Contributions from persons having control over places of pilgrimage, etc.

² [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 ³ (district) ⁴ (* * *) 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 ³ (district) board ⁵ (* * * * *) and the ⁸ (district) board ⁶ (* * * *) 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 ⁷ [State Government] may determine.]

Prohibition against allowing outflow of filth.

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 road ⁸ [vested in a district board] except a drain or a cesspool 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 ⁹ [such public road].

¹⁰ [Private drainage.]

Power to require construction or removal of private drains.

¹⁰ [129-A. A ¹¹ (district board) may, by notice, require the owner or occupier of any building to construct private drains therefor or alter or remove the private drains thereof.]

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk or union board" by section 117 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This section was substituted for original section 128 by section 118, *ibid.*

³ 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).

⁴ The words "or village" were omitted by paragraph 67 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The words "or the panchayat as the case may be" were omitted by *ibid.*

⁶ The words "or panchayat" were omitted by *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ These words were inserted by paragraph 68 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ These words were substituted for the words "a public road" by *ibid.*

¹⁰ The heading and section 129-A were inserted by section 119 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹¹ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Dangerous diseases.

130. 'Dangerous disease' means a disease specified in Schedule VI. Definition of 'dangerous disease.'

131. (1) ¹[The ²(executive authority) of a ³(district board)] 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. Power of entry into suspected places and disinfection of buildings and articles.

(2) If the ²[executive authority] 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 ²[executive authority] 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 ²[executive authority] 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 ²[executive authority] shall be recoverable from the said occupier in cases in which he is in the opinion of the ²[executive authority] not unable by reason of poverty effectually to comply with such requisition.

⁵ [(4) The powers conferred on the ²[executive authority] by sub-sections (1) to (3) may be exercised by the district health officer or any other officer authorized by him.]

132. (1) ⁶[The ²(executive authority) of a ³(district board)] may notify places to which conveyances, clothing, bedding or other articles which have been exposed to infection Executive authority to notify places for washing and disinfecting.

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 120 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "such building or article" by section 120 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ This sub-section was added by section 120 (iii), *ibid.*

⁶ 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).

from any dangerous disease shall be removed and at which they shall be washed, disinfected or otherwise disposed of.

(2) The ¹ [executive authority] 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:

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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.

135. In the event of the prevalence of any dangerous disease within ¹ [a district], ² [the ³ (executive authority) of the ⁴ (district board)] 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. Power to order closure of places of public entertainment.

136. 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 ⁵ [³ (executive authority) of a ⁴ (district board)] 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 ³ [executive authority] 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. Minor suffering from dangerous disease not to attend school.

Smallpox.

137. (1) Vaccination shall be compulsory in any local area to which this Act applies ⁶ [in respect of such persons and to such extent as may be] prescribed. Compulsory vaccination.

¹ The words "a village" were substituted for the words "any local area" by section 122 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) and the word "district" was substituted for "village" by paragraph 69 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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 the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "panchayat" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the word "president of a taluk or union board" by section 123 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "to the extent" by section 124 (i), *ibid.*

(2) The ¹[²(district board) and its ³(executive authority)] 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 ⁴[³(executive authority) of the ²(district board)] or the village headman concerned with the least practicable delay.

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 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 ⁵ [to the district board] to have such place registered.

(2) If it appears to such ⁶[district board] that there is no owner or person having the control of such place, the ⁶ [district

¹ 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) 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 word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ 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).

⁵ The words "to the panchayat" 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), and the words "district board" were substituted for "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 127 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

board], shall assume such control and register such place or may ¹[* * * * *] close it.

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 ²[district board] on application. Licensing of places for disposal of dead.

(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 ³[district board] may require.

(3) The ³[district board] 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 ⁴[State Government] may cancel or modify any order passed by a ⁵[district board] under sub-section (3).

142. The ⁶[district board] may and shall, if no sufficient provision exists, provide at the cost of the ⁷[district fund] places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof. Provision of burial and burning grounds and crematoria.

¹ The words "with the sanction of the district board" were omitted by paragraph 70 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted by paragraph 1, *ibid.*, for the word "panchayat" as substituted for the words "taluk or union board" by section 128 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 128 (ii), *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 127 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as 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).

⁷ These words were substituted for the words "village fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

A book to be kept of places registered, licensed or provided.

143. (1) A book shall be kept at the office of every ¹[district board] 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 ² [³(executive authority) of the ⁴ (district board) concerned].

Notice to be given to district board 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 ⁴(district board) concerned].

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

146. (1) If a ⁶ [district board] 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

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk and union board" by section 130 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president of the local board concerned" by section 131 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the words "by the local board concerned in that behalf" by section 132 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk or union board" by section 133 (i), *ibid.*

(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, ¹[.] 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 ²[local area] 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 ³[State Government] may cancel or modify any notice issued by a ⁴[district board] under sub-section (1).

CHAPTER IX—DANGEROUS STRUCTURES, TREES AND PLACES.

147. (1) If any structure adjoining a ⁵ [public road vested in a district board appears to the executive authority thereof] to be in a ruinous state and dangerous to the passers-by, the ⁶ [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.

Precautions
in case of
dangerous
structures.

(2) If immediate action is necessary, the ⁶ [executive authority] shall himself, before giving such notice or before the period of such notice expires, fence off, take down, secure

¹ The words "with the previous sanction of the district board" were omitted by paragraph 71 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the word "village" by paragraph 71 (ii), *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 133 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "public road appears to the executive authority of the local board in which such road is vested" by paragraph 72 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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.

Precautions
in case of
dangerous
trees.

148. (1) If any tree or any branch of a tree standing on land adjoining a ¹ [public road vested in a district board appears to the executive authority thereof] to be likely to fall and thereby endanger any person using, or any structure on, such road, the ² [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 ² [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 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.

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

149. The ² [executive authority] of the ³ [district 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 ² [executive authority]; 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 ² [executive authority] 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.

¹ These words were substituted by paragraph 72 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "public road appears to the executive authority of the local board in which such road is vested" as amended by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

150. (1) If any tank, pond, well, hole, stream, dam, bank or other place ¹ [in a non-panchayat area] appears to him to be, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, ² [the ³(executive authority) of a ⁴(district board) may with the approval of the ⁴(district board)] by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

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

(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.

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, ⁵[vested in] or of other immovable property belonging to a ⁶ [district board] without obtaining a licence from the ⁶[district board] permitting him to so so.

Licence to be obtained for quarrying near public road etc.

(b) The ⁶ [district board] may either grant or refuse to grant a licence.

⁷ [(c) * * * * *]

(2) If in the opinion of the ⁶ [district 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 ⁶ [district 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 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.

¹ These words were inserted by paragraph 73 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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 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).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "Panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were inserted by paragraph 74, *ibid.*

⁶ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ Clause (c) was omitted by section 135 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [152. * * * *]

Removal of
filth or
noxious
vegetation
from lands
and build-
ings in non-
panchayat
areas.

153. (1) The ² [executive authority] of a ³ [district board] may by notice require the owner or occupier of any building or land ⁴ [in a non-panchayat area] 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 ⁵ [dangerous to the public or] offensive to the neighbourhood, ⁶ [or otherwise a source of nuisance] to cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth ⁷ [or to take such other action as may be deemed by the ² (executive authority) 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 ² [executive authority] of a ⁸ [district board] necessary for sanitary purposes so to do, he may by notice ⁹ [require the owner or occupier of any building or land ⁴ [in a non-panchayat area] 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) ¹⁰ [A district board] 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.

¹ This section was omitted by section 136 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "union board" by section 137 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were inserted by paragraph 75 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were inserted by section 137 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

⁶ These words were inserted by section 137 (i) (c), *ibid*.

⁷ These words were inserted by section 137 (i) (d), *ibid*.

⁸ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "union board" by section 137 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ 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*.

¹⁰ The words "A panchayat" were substituted for the words "The taluk board in non-union areas, and the union board in union areas" by section 138, *ibid* and the words "district board" were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹ [Where such notice is given, no person shall keep any pig or dog, as the case may be, within such limits without obtaining a licence from the executive authority of the district board or otherwise than in accordance with the conditions specified in such licence.]

(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.

155. (1) When the ² [executive authority] of a ³ [district 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 ³ [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.

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

(2) If after reasonable enquiry it appears to the ³ [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 immovable property) or of any portion thereof.

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 ³ [district board] in pursuance of their powers under this chapter.

Limitation of compensation.

CHAPTER X.—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 ⁴ [vested in a district board] except as hereinafter provided.

Prohibition against obstructions in or over public roads.

¹ This paragraph was added by paragraph 76 of Schedule IV to the Madras Village Panchayat Act, 1950 (Madras Act X of 1950).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were inserted by paragraph 77 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Public roads open to all.

¹ [157-A. All roads vested in or maintained by the ²(district board) 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. ³ [(1) No door, gate, bar or ground-floor window shall be hung or placed so as to open outwards upon any public road vested in a district board, without a licence from the executive authority of such board.]

(2) The ⁴ [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 public road.

Removal of encroachments.

159. (1) The ⁴ [executive authority] of a ² [district board] may ⁵ [. . .] 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 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 local authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the ² [district board] 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.

160. (1) The ⁴ [executive authority] of a ² [district 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, sun-shades, 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 ⁴ [executive authority] of a ² [district board] may grant a licence, subject to such conditions and restrictions

¹ This section was inserted by section 2 of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This sub-section was substituted for original sub-section (1) by paragraph 78, *ibid.*

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ The words "with the approval of the board" was omitted by section 139 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 ¹ [executive authority] of a ² [district board] shall have power, with the approval of the board, to lease road-sides vested in such board for occupation on such terms and conditions and for such period as the ² [district board] may fix.

(4) But ³ [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 ⁴ [be injurious to health or] cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The ⁵ [State Government] may, by notification, restrict and place under such control as they may think fit, the exercise by any ² [district board] ⁶ [* * * * *] 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 ¹ [executive authority] 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.

161. (1) No building shall be erected ⁷ [in a non-panchayat area] without the written permission of the ¹ [executive authority] of the ² [district board] or of some other person authorized by such ¹ [executive authority], over any sewer or drain, or any part of a sewer or drain or upon any ground, which has

Prohibition of building on sewer, drain, etc., without permission.

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ 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).

⁴ These words were inserted by *ibid.*

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ The words "or any class of local boards" were omitted by paragraph 79 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were inserted by paragraph 80, *ibid.*

been covered, raised or levelled wholly or in part by road sweepings or other rubbish.

(2) The said ¹ [executive authority] 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.

Notice regarding removal of noxious vegetation, etc.

162. The ¹ [executive authority] of a ² [district 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 ² [district 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 ³ [vested in a district board] unless he previously obtains the permission of the ⁴ [executive authority of the district board] and complies with such conditions as the ¹ [executive authority] 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 ¹ [executive authority] 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.

⁵ [163-A. (1) No person shall plant any tree on any public road or other property vesting in or belonging to a ² [district board] except with the previous permission of the ¹ [executive authority] of the ² [district board] and on such conditions as the ¹ [executive authority] 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 ² [district board] and growing on any such

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948) Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by paragraph 81, *ibid.*

⁴ These words were substituted for the words "executive authority of the local board in which such road is vested" by *ibid.*

⁵ This section was inserted by section 142 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

public road or property except with the previous permission of the ¹ (executive authority) of the ² (district board) and on such conditions as the ¹ (executive authority) may impose.]

164. (1) If any person, without the previous sanction of the ² [district board], occupies any land ³ [which is set apart for any public purpose] and is vested in or belongs to a ² [district board], he shall be bound to pay in respect of such occupation such sum as may be demanded by the ² [district board] by way of penalty; such sum may be recovered in the manner hereinafter provided.

Recovery of penalty and compensation for unauthorized occupation of land.

(2) The ¹ [executive authority] 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 ² [district 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 liable to pay compensation to the ² [district 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.

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 ¹ [executive authority] of the ² [district board] concerned that, having regard to the average expenses of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the ² [district board] in repairing a public road by reason of the damage caused by excessive weight passing along the road or extraordinary traffic thereon, the ² [district 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 ² [district board] by reason of the damage arising from such weight or traffic as aforesaid:

Power of district board to recover expenses caused by extraordinary traffic.

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 7 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "which is not set apart for a public road, but is set a part for any other public purpose" by section 143 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Provided that any person from whom expenses are, or may be, recoverable under this section, may enter into an agreement with the ¹ [district 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.

² [166. * * * *]

CHAPTER XI.—MARKETS, SLAUGHTER-HOUSES, ETC.

Public Markets.

Classifica-
tion of
markets as
district and
panchayat
markets.

³ [166-A. The State Government shall have power to classify public and private markets situated in a panchayat area as district markets and panchayat markets respectively and provide for the control of any such market and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board as the case may be.]

Public
markets.

167. All markets which are acquired, constructed, repaired or maintained out of the ⁴ [district fund] shall be deemed to be public markets ⁵ [and such markets shall be open to persons of whatever caste or creed.]

Powers in
respect of
public
markets.

168. (1) The ⁶ [district board] may provide places for use as public markets ⁷ [in any non-panchayat area and if specially authorized by the State Government in that behalf, in any panchayat area].

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This section was omitted by section 7 (i) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

³ This section was inserted by paragraph 82 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "local fund" by paragraph 1, *ibid.*

⁵ These words were inserted by section 3 of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 145 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were added by paragraph 83 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(2) Subject to such control as may be prescribed, the ¹ [district board] may, in ² [any of its public markets] 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 markets;

(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 [district board] may ³ [* * * * *
* * * * *] close ⁴ [any of its public markets] or part thereof.

169. (1) No person shall without the permission of the ⁵ [executive authority] of the ¹ [district board] or, if the rents and fees have been farmed out, of the farmer, sell or expose for sale any animal or article within ⁶ [any district board public market].

Control
of executive
authority
over public
markets.

(2) The ⁵ [executive authority] may expel from ⁶ [any district board 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.

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 145 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "any public market" by paragraph 83 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "with the sanction of the district board" were omitted by paragraph 83 (iii), *ibid.*

⁴ These words were substituted for the words "any public markets" by *ibid.*

⁵ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted for the words "any public market" by paragraph 84 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Private Markets.

¹ [170. * * * *]

Licence for private market.

² [171. (1) No person shall ³ [in any non-panchayat area] open a new private market or continue to keep open a private market unless he obtains from the ⁴ [district board] 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.

(3) The ⁴ [district board] 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 ⁴ [district board] may think proper, or the ⁴ [district board] may refuse to grant such licence for any new private market. The ⁴ [district board] may, however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The ⁴ [district board] 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 ⁴ [district board] shall cause a notice of such grant, refusal, suspension, cancellation or modification in the ⁵ [chief regional 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.]

Procedure for claiming right to levy fees in private markets established prior to 1884.

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

Madras Act V of 1884

¹ This section was omitted by section 146 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This section was substituted for original section 171 by section 147, *ibid.*

³ These words were inserted by paragraph 85 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the word "panchayat" by paragraph 1, *ibid.*

⁵ These words were substituted for the words "chief vernacular language" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

in ¹ [sub-section (2) of] section 168, shall first apply ² [to the district board through its³ (executive authority)] for a certificate recognizing his right in this behalf.

⁴ [(2) The district board shall, after making or causing to be made such inquiries, if any, as it thinks fit, grant or refuse the certificate.]

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. Right of suit for establishing claim to levy fees.

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 ⁵ [shall] be charged by the ⁶ [district board] for such licence. Fee for licence.

175. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market. Prohibition of sale in unlicensed private markets.

176. The ⁷ [district board] may by notice require the owner, occupier, or farmer of any private market ⁸ [in a non-panchayat area or of any private market in a panchayat area which is classified as a district 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 ⁷ [district board] may think fit;

¹ These words and figure 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 These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ This sub-section was substituted for original sub-sections (2) and (3) by paragraph 86 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This word was substituted for the word "may" by section 149 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 149 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 150 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ These words were inserted by paragraph 87 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(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 ¹ [district board] 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 ¹ [district board] 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 ¹ [district board] may direct; and

(f) make such other sanitary arrangements as the ¹ [district board] 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 ¹ [district board] 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 ¹ [district board] 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.

Prohibition against nuisances in private markets.

178. No owner, occupier, agent or manager in charge of any private market ² [in a non-panchayat area or of any private market in a panchayat area which is classified as a district 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 ³ [specified] by the ¹ [district board].

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 150 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were inserted by paragraph 87 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This word was substituted for the word "notified" by section 3 (1) of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1944 (Madras Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

179. The ¹ [district board] or any officer duly authorized by it in that behalf may close any private market—

Power to close private markets.

² [(a) in respect of which no licence has been applied for, if the market is in a non-panchayat area or if being in a panchayat area it is classified as a district market; or

(b) the licence for which has been refused, withheld or suspended by the district board; or]

(c) which is held or kept open contrary to the provisions of this Act.

180. (1) A ¹ [district board] may acquire the rights of any person to hold a private market in any place ² [in a non-panchayat area or to hold a private market classified as a district market in any place in a panchayat area] and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 and such rights shall be deemed to be valid for the purposes of that Act.

Acquisition of rights of private persons to hold private markets.

Central Act. I of 1894.

(2) On payment by the ¹ [district board] 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 [district board].

181. Any person aggrieved by an order of the ¹ [district board] under sub-section (3) of section 171 may ⁴ [appeal against such order to the State Government]; and pending the disposal of such appeal ⁵ [the State Government may, if they think fit] suspend the execution of the order appealed against.

Appeal against orders under section 171.

182. The person in charge of a market ⁶ [in a non-panchayat area or of a market in a panchayat area which is classified as a district 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.

Duty of expelling lepers, etc., from markets and power to expel disturbers.

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 150 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² Clauses (a) and (b) were substituted for original clauses (a) and (b) by paragraph 88 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by paragraph 89, *ibid.*

⁴ These words were substituted for the words "appeal against such order to the district board" by paragraph 90, *ibid.*

⁵ These words were substituted for the words "the executive authority of the district board may, if he thinks fit" by *ibid.*

⁶ These words were inserted by paragraph 91, *ibid.*

Prohibition
against sale
in public
roads.

183. The ¹ [executive authority] of a ² [district board] may, with the sanction of the ³ [district board], prohibit by public notice, or license, 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.

⁵ [183-A. * * * * * .]

Decision of
disputes as
to whether
places are
markets.

⁶ [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 ⁷ [* * *] ⁸ (district) board concerned shall make a reference to the ⁹ [State Government] and the decision of the ⁹ [State Government] on the question shall be final.]

Cart-stands.

Provision of
public cart-
stands.

184. (1) The ¹⁰ [district board] may construct, or provide, and maintain public landing places, halting places and cart-stands ¹¹ [in non-panchayat areas] and may levy ¹² [. . .] fees for the use of the same.

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 151 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted by *ibid* for the word "panchayat" as substituted for the word "board" by section 151 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were inserted by section 151 (ii), *ibid*.

⁵ This section was omitted by paragraph 92 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This section was inserted by section 152 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The words "panchayat or" were omitted by paragraph 93 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ 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).

⁹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹⁰ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 153 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹¹ These words were inserted by paragraph 94 (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹² The words "rents and" were omitted by section 153 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [(1-A) The ² [district board] may—

(a) place the collection of any such fees under the management of such persons as may appear to it proper; or

(b) farm out the collection of any such fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.]

¹ [(1-B) Any agreement entered into by a ² [district board] farming out the collection of any such fees for a period, not exceeding three years, commencing on or after the 1st April 1941, shall be valid, notwithstanding that such agreement was entered into before the commencement of the Madras District Municipalities and Local Boards (Amendment) Act, 1941.]

(2) A statement ³ [in the chief vernacular language of the locality] of any fees prescribed by the ⁴ [district board] for the use of such place shall be put up in a conspicuous part ⁵ [thereof].

⁶ [Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages ⁷ (including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914)⁸ and animals.]

¹ Sub-sections (1-A) and (1-B) were inserted by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act XII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

² These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the word "board" by section 151 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the words "in English and a vernacular language of the district" by section 153 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 153 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ This word was substituted for the words "of every such place where they are leviable" by section 153 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ This Explanation was added by section 153 (2), *ibid.*

⁷ These words and figures were inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁸ See now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

Prohibition of use of public place or sides of public road as cart-stand, etc.

185. Where a ¹[district board] has provided a public landing place, halting place or cart-stand, the ² [executive authority] may, with the approval of the ¹ [district board] 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 ³[being a place or road vesting in the district board].

Recovery of cart-stand, fees, etc.

⁴[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.

(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.

Central Act VII of 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

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 154 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were added by paragraph 95 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This section was substituted for original section 186 by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act to III of 1931.)

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.]

¹ [187. (1) No person shall ² [in any non-panchayat area] open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the ³ [district board] 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 ³ [district board] 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 ³ [district board] may think proper; or the ³ [district board] may refuse to grant such licence for any new private cart-stand. The ³ [district board] may, however, at any time for breach of the conditions thereof, suspend, or cancel any licence which has been granted under this section. The ³ [district board] 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 ³ [district board] 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 ³ [district board] 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.]

⁴ [. . .]

⁴ [188. * * * * *]

¹ This section was substituted for original section 187 by section 156 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were inserted by paragraph 96 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the word "panchayat" by paragraph 1, *ibid*.

⁴ The heading and section 188 were omitted by section 157 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Slaughter-houses.

Provision of slaughter-house.

189. (1) Every ¹ [district board] shall provide a sufficient number of places for use as public slaughter-houses ² [in non-panchayat areas].

³ [(2)] The ⁴ [district board] may charge rents and fees for the use of public slaughter-houses.

District board may prohibit slaughtering, etc., of cattle in places other than public slaughter-houses.

190. ⁵ [The ⁶ [district board] may ⁷ [* * * * *] notify—

(a) that no person shall, ⁸ [without or otherwise than in conformity with the written permission] of the ⁹ [executive authority], slaughter or permit to be slaughtered, or cut up, or skin or permit to be cut up or skinned, any cattle, ¹⁰ [horse], sheep, goat or pig in any place ¹¹ [in any specified non-panchayat area] other than at a public slaughter-house provided by the ¹² [district board]:

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "union board" by section 158 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were added by paragraph 97 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ Sub-section (2) was omitted and sub-section (3) was renumbered as sub-section (2) by section 158 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 158 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ This paragraph was substituted for the original paragraph by section 159 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ The words "with the sanction of the district board" were omitted by paragraph 98 (i), *ibid.*

⁸ 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).

⁹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹⁰ This word was inserted by section 159 (ii) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹¹ These words were substituted by paragraph 98 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "in the village or in any specified area therein" as 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).

¹² These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 159 (ii) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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

¹ [Provided further that no such notification shall have effect until sixty days from the date of publication ;]

(b) that no person shall, for purposes of sale to the public, slaughter, or permit to be slaughtered ² [in any specified non-panchayat area] any cattle, ³ [horse,] sheep, goat or pig ⁴ [without or otherwise than in conformity with a licence] obtained from the ⁵ [executive authority].

191. The ⁶ [executive authority] of the ⁶ [district board] may, on occasions of festivals and ceremonies or as a special measure, allow any animal to be slaughtered in such places ⁷ [in non-panchayat areas] as he thinks fit. Slaughter of animals during festivals and ceremonies.

192. The provisions of sections 189 and 190 shall not apply to places used by Government for the purposes mentioned in the said sections. Government places exempted.

Industries and factories.

193. (1) The ⁸ [district board] may notify that no place ⁹ [situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification] shall be used Purposes for which places may not be used without licence.

¹This proviso was added by section 159 (ii) (d) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were inserted by paragraph 98 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This word was inserted by section 159 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted for the words "except on a licence" by *ibid.*

⁵ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk or union board" by section 160 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted by paragraph 99 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "within the village" as substituted for the words "within the limits of the board" by section 160 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk board" by section 161 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ These words were substituted by paragraph 100 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "within the limits of the village" as substituted for the words "within its limits" by section 161 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

for any one or more of the purposes specified in Schedule VII¹ [without a licence] issued by the² [executive authority] of the³ [district board] and except in accordance with the conditions⁴ [specified in such licence:]

Provided that no such notification shall take effect until 60 days from the date of publication.

(2) The owner or occupier of every such place shall within 30 days of the publication of such notification apply to the² [executive authority] of the⁵ [district board] for a licence for the use of such place for such purpose.

(3) The² [executive authority] 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 the² [executive authority] 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 [* * * * *]

⁷194. (1) Every person intending—

(a) to construct or establish⁸ [in any non-panchayat area] 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

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.

¹ 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) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "specified therein" by section 161 (i) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 161 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ This sub-section was omitted by section 161 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ Under section 5-A (1) of the Madras Cinemas Regulation Act, 1955 (Madras Act IX of 1955), the provisions of the Madras District Boards Act, 1920 (Madras Act XIV of 1920), shall not apply to any application made under that section by any person who intends to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

⁸ These words were inserted by paragraph 101 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(b) to instal in any premises ¹[in a non-panchayat area] 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 ²[to the ³(district board)] 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 ⁵ [State Government], and

(ii) such particulars as to the power, machinery, plant or premises as the ³ [district board] may require by by-laws made in this behalf ⁶ (* * * *).]

(3) The ⁷ [district board] 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.

⁸ [(4) Before granting permission under sub-section (3), the ³ [district board]—

(a) shall obtain the approval of the inspector of factories appointed under the Indian Factories Act, 1911⁹, having jurisdiction ¹⁰[in the non-panchayat area] or, if there is more than one such inspector, of the inspector designated by the ⁵ [State Government] in this behalf by

Central
Act : XII
of 1911.

¹ These words were inserted by paragraph 101 (ii), of Schedule IV of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² 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) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This sub-section was substituted for original sub-section (2) by section 162 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ The words "by the district board" were omitted by paragraph 101 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted by paragraph 1, *ibid*, for the word "panchayat" as substituted for the words "local board" by section 162 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ This sub-section was substituted for original sub-section (4) by section 162 (iv), *ibid*.

⁹ See now the Factories Act, 1948 (Central Act LXIII of 1948).

¹⁰ These words were substituted for the words "in the village" by paragraph 101 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

general or, special order, as regards the plan of the factory, work-shop, 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 ¹ [State 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 district board to issue directions for abatement of nuisance caused by steam or other power.

195. (1) If, in any factory, work-shop or work-place ² [in a non-panchayat area] 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 district board] may issue such directions ⁴ [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 ⁵ [district board] 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, work-place or premises between the hours of 9-30 p.m. and 5-30 a.m.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by paragraph 102 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words "the panchayat" as substituted for the words "the taluk board in non-union areas and the union board in union areas" by section 163 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted for the words "as they think fit" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

⁵ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 163 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

196. The ¹ [State 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 State Government to pass orders or give directions to district boards.

197. (1) The ⁴ [executive authority] of a ⁵ [district board] or any person authorized by him in this behalf, may enter any factory, work-shop or work-place ⁶ [in a non-panchayat area]—

Power of executive authority to enter 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 ⁷ [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.

198. Notwithstanding any provisions to the contrary in the ⁸ [Madras] Places of Public Resort Act, 1888, when the ¹ [State Government] extend that Act to any ⁹ [non-panchayat area],

Extension of the Madras Places of Public Resort Act, 1888, to any local area.

(a) the authority to whom application for a licence shall be made and who may grant, or refuse, the licence under

Madras Act III of 1888..

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 164 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ The words "by a local board" were omitted by section 164 (ii), *ibid.*

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No III) Act, 1948 (Madras Act IX of 1948).

⁵ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as substituted for the words "taluk or union board" by section 165 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were added by paragraph 103 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ This word was substituted for the word "under" by section 165 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ The word "Madras" was inserted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁹ These words were substituted for the words "local board area" by paragraph 104 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

that Act, shall be ¹[the ²[executive authority] of the ³(district board) ;] ⁴[and]

(b) the appeal from ⁵[the order of the executive authority] granting, refusing, revoking or suspending a licence under that Act shall be to the ⁶[district board]; ⁷[. . .]

⁸ [(c) * * * * *].

PART V—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XII.—SUBSIDIARY LEGISLATION.

Rules and schedules.

Power of State Government to make rules.

199. (1) The ⁹[State 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.

(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;

¹ 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) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word “president” by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the word “panchayat” by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This word was inserted by section 2 of the Madras Local Boards (Amendment) Act, 1940 (Madras Act I of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

⁵ These words were substituted for the words “the president’s order” by section 16 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word “panchayat” as substituted for the words “local board concerned” by section 166 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The word “and” was omitted by section 2 of the Madras Local Boards (Amendment) Act, 1940 (Madras Act I of 1940), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

⁸ This clause was omitted by *ibid.*

⁹ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

¹ [(b) with reference to all matters not expressly provided for in this Act, which relate to elections of presidents, vice-presidents or members of ² [district 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;

⁴ (* * * * *)]

(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 ⁵ [district 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 ⁶ [district fund] for purposes of medical relief and as to the conditions on which grants and loans may be made to co-operative building societies;

⁷ [(ff) as to the opening, maintenance, management and supervision of ⁸ [district board] schools ;]

(g) as to the intermediate officers, if any, through which correspondence between ² [district boards] and the ⁹ [State Government] or 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 ² [district boards] and the power of the ² [district

¹ This clause was substituted for the original clause by section 167 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local boards" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "or a taluk" were omitted by section 45 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ This proviso was omitted by section 4 (v) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

⁵ These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were substituted for the words "local fund" by *ibid.*

⁷ This clause was inserted by section 45 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁸ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

boards] or ¹ [officers of the State Government] ² [. . . .] to accord professional or administrative sanction to estimates;

(i) as to the accounts to be kept by ³ [district boards] ⁴ [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 ³ [district boards];

(k) as to the mode in which the ⁵ [officers of the State Government] shall advise and assist ³ [district boards] in carrying out the purposes of this Act;

(l) as to the interpellation of the president by the members of a ⁶ [district board];

(m) as to the moving of resolutions at the meetings of a ⁶ [district board];

⁷ [(n) as to the conditions on which and the mode in which contracts may be made by or on behalf of ³ (district boards) ;]

⁸ [(o)] as to the powers of auditors to disallow and surcharge items, and as to the recovery of sums disallowed or surcharged;

⁸ [(p)] as to the transfer of allotments entered in the sanctioned budget of a ⁶ [district board] from one head to another ; ⁹ [. . . .]

¹ The words "officers of the Provincial Government" were substituted for the words "Government officers" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "or the Sanitary Board" were omitted by section 167 (if) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ 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).

⁵ The words "officers of the Provincial Government" were substituted for the words "officers of Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ This clause was substituted for original clause (n) by section 167 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ Original clause (o) was omitted and original clauses (p), (q) and (r) were relettered as clauses (o), (p) and (q), respectively, by section 167 (v), *ibid.*

⁹ The word "and" was omitted by section 167 (vi), *ibid.*

¹ [(q)] as to the powers of auditors, inspecting and superintending officers and officers authorized ²[. . . .] to hold inquiries, to summon and examine witnesses ³ [and] to compel the production of documents and all other matters connected with audit, inspection and superintendence;

⁴ [(r) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, ⁵ [. . . .] and other taxes or income levied or obtained under this or any other Act; and

(s) as to the class of magistrates by whom offences under this Act shall be tried.]

(3) In making any rule, the ⁶ [State Government] may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

200. The power to make rules under section 199 is subject to the following conditions :—

Procedure for the making of rules.

(a) A draft of the rules shall be published in the ⁷[Official Gazette].

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the ⁶ [State Government] may appoint.

(c) All rules made under section 199 shall be published in the ⁷ [Official Gazette] and upon such publication shall have effect as if enacted in this Act.

201. (1) The ⁶ [State Government] may make rules altering, adding to, or cancelling any of the schedules to this Act except Schedules I, VIII and IX.

Power of State Government to amend, add to and cancel schedules and procedure therefor.

(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).

⁸ [(3) * * * * *].

¹ Original clause (o) was omitted and original clauses (p), (q) and (r) were relettered as clauses (o), (p) and (q), respectively, by section 167 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² The words "to conduct enquiries relating to elections" were omitted by section 167 (vii), *ibid.*

³ This word was inserted by *ibid.*

⁴ Clauses (r) and (s) were added by section 167 (viii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The word "tolls" was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁸ This sub-section was omitted by section 168 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Procedure for the making of rules under sub-section (2) of section 74-A and section 201.

¹ [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 ² [before both ³ (Houses) of the ⁴ (State) Legislature] and the rules shall not be made ⁵ [unless both Houses] ⁶ [approve] the draft either without modification or addition, or with modifications or additions ⁷ [to which both the Houses agree]; 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.]

By-laws.

Power of district board to make by-laws.

202. The district board may make by-laws not inconsistent with this Act or with any other law, to provide—

⁸ [(1) for all matters expressly required or allowed by this Act to be provided for by by-laws ;]

⁸ [(1-A)] for the due performance by all officers and servants of ⁹ [district boards] of the duties assigned to them;

(2) for the regulation of the time and mode of collecting the taxes, ¹⁰ [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;

¹ This section was inserted by section 168 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937.

³ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ The words "unless both Chambers" were substituted for the words "unless the Legislative Council" by the Adaptation Order of 1937 and the word "Houses" was substituted for "Chambers" by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word "approves" by the Adaptation Order of 1937.

⁷ The words "to which both the Chambers agree" were inserted by the Adaptation Order of 1937 and the word "Houses" was substituted for "Chambers" by the Adaptation (Amendment) Order of 1950.

⁸ 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 XI of 1930).

⁹ These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ 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).

¹ [(5)] for the protection of avenues and trees planted by or belonging to ² [district 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 ³ [district board] ⁴ [but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic];

(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 ³ [district 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;

(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;

⁵ [(e) for licensing and controlling brokers, commission agents, weighmen and measurers practising their calling in markets;]

¹ Sub-clauses (a) and (b) were omitted and sub-clause (c) was numbered as clause (5) by section 7 (ii) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

² These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "local board" by *ibid.*

⁴ These words were added by section 7 (iii) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

⁵ This sub-clause was inserted by section 169 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹[(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;

² [(11)] for the regulation of burial and burning grounds and other places for the disposal of corpses;

³ [* * * * *];

(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:

³ [Provided that nothing contained in this section shall be deemed to authorize the district board, without the approval of the State Government, to make by-laws for any panchayat area in respect of any matter for which the panchayat may make by-laws under the Madras Village Panchayats Act, 1950.]

Madras
Act X of
1950.

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 ⁴[district board] to discontinue such breach.

⁵ [203-A. * * * * *]

¹ Sub-clause (e) was relettered as sub-clause (f) by section 169 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² Sub-clause (a) of clause (11) was numbered as clause (11) and sub-clause (b) was omitted by section 169 (iii), *ibid*.

³ This proviso was added by paragraph 105 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was omitted by paragraph 106 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

204. The district board ¹[²(.) ³(.)] 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.

Procedure for the making of by-laws.

⁴[205. No by-law or cancellation or alteration of a by-law made by a district board ²(.) ³(.) shall have effect until the same has been approved and confirmed by the ⁵(State Government).]

Confirmation of by laws by State Government.

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.

Procedure for making, and the publication, of by-laws.

⁷[(2) Any by-law or cancellation or alteration of a by-law made by a district board, ⁸(.) ⁹(.) shall come into operation three months after it has been so published under sub-section (1) ¹⁰(.)].

¹ The words "taluk board or panchayat" were inserted by section 171 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² 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)

³ The words "or panchayat" were omitted by paragraph 107 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ Sections 205 and 205-A were substituted for original section 205 by section 172 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ The words "or taluk" were omitted by section 48 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁷ Original sub-section (2) was omitted and original sub-section (3) was renumbered as sub-section (2) by paragraph 108 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ 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).

⁹ The words "or panchayat" were omitted by paragraph 108 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ The words, figure and brackets "or (2) as the case may be" were omitted by *ibid.*

Extension of the District Municipalities Act.

Extension to villages of the District Municipalities Act, 1920, or rules framed thereunder.

206. The ¹ [State Government] may, at the request ² (.) of the district board by notification in the ³ [Official Gazette], extend ⁴ [to any specified non-panchayat area in the district] 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.

Madras Act V of 1920.

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,

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.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "of the panchayat and" were omitted by paragraph 109 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴ These words were substituted for the words "to the village or to any specified area therein" by paragraph 109 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Explanation.—The entries in the third column 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.

¹ [208. (1) Whoever acts as a member of a ² [district 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.

Penalty for acting as member, president, or vice-president of a district board when disqualified.

(2) Whoever ³ [acts as the president or vice-president of a district board or exercises any of his functions including his functions as executive authority], 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, ⁴ (* * * *) or vice-president of a ² [district board] fails to hand over any documents of or any moneys or other properties vested in or belonging to the ² [district board] which are in or have come into his possession or control to his successor in office or other proscribed authority, in every case as soon as his term of office as such president, ⁴ (* * * *) or vice-president expires and in the case of the vice-president also on demand by the president, such president, ⁴ (* * * *) or vice-president shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.]

¹ This section was substituted for original section 208 by section 174 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words “ local board ” by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted by paragraph 110 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the words “ acts as the president, temporary president, or vice-president of a local board or exercises any of his functions including where he is also the executive authority any of his functions as such ” as substituted for the words “ acts as or exercises the functions of the president, temporary president, or vice-president of a local board ” by section 17 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ The words “ temporary president ” were omitted by paragraph 110 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

Penalty for acquisition by an officer or servant of interest in contract work.

209. If any officer or servant of a ¹ [district 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 ¹ [district board], he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Central Act XLV of 18600.

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 ¹ [district board] unless he is a director of such company:

²[Provided further that nothing in this section shall apply to a teacher employed by a ¹ [district board] who with the sanction of the ³ [State Government] enters into a contract with the ¹ [district 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 ⁴ [executive authority] of a ¹ [district board], or any person to whom the ⁴ [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.

Central Act XLV of 18600.

Penalty for not giving information 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.

212. (1) Every licence and permission granted under this Act or any rule or by-law made under this Act shall specify

General provisions regarding licences and permissions.

¹These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

²This proviso was added by section 175 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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] of the ² [district 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 ³ [on such units and] at such rates as may be fixed by the ² [district board].

(3) The ² [district 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) ⁴ [Every order of the authority competent under this Act or any rule or by-law made thereunder to pass an 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, ⁵ [.] 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] of the ² [district 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 ² [district board] concerned against any order of the ¹ [executive authority] under this sub-section suspending or revoking a licence.

(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

¹ These words were substituted for the words " president " by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by section 176 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ 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.*

⁵ 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), *ibid.*

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) 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 ¹ [executive authority].

(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 ² [district board] the amount of the fee chargeable for the licence or permission, ³ [and may, in his discretion, also recover summarily and pay over to the ² (district 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.

¹ These words were substituted for the word " president " by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were added by section 176 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(11) The acceptance by ¹ [or on behalf of] a ² [district board] of the pre-payment of the fee for a licence or permission shall not entitle the person making such pre-payment 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 ³ [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.

Central
Act XIX of
1908.

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, ⁴ [be presented—

Limitation
of time for
appeal.

(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 ² [district 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].

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.

Form of
licences,
notices and
permissions.

(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 ⁵ [or executive authority] or of any officer of a ² [district board] shall be deemed to be properly signed

¹ These words were inserted by section 176 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ This portion was 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 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 18 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

if it bears a facsimile of the signature of the president ¹ [or executive authority] 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 ² [district fund] or to any deed or contract entered into by a ³ [district board.]

Publication of notifications under the Act.

215. ⁴ [Save as otherwise provided, every notification other than one issued by the ⁵ (State 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:

⁶ [Provided that the ⁵ (State Government) shall have power to direct that any such notification—

(i) shall be published in the said gazette either in English or in a vernacular language of the district ; or

(ii) shall, instead of being published in the said gazette be published in any other manner specified by them.]

Notice of prohibitions or setting apart of places.

⁷ [215-A. Whenever a ³ (district board) sets apart any place for any purpose or prohibits the doing of anything in any place, the ⁸ (executive authority) 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

¹ These words were inserted by section 18 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "local board" by *ibid.*

⁴ 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).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ This proviso was added by section 3 (ii) of the Madras District Municipalities and Local Boards (Second Amendment) Act, 1944 (Madras Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

⁷ This section was inserted by section 179 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁸ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. I) Act, 1948 (Madras Act IX of 1948).

(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 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 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.

Powers of entry and inspection.

217. The ¹ [executive authority] of a ² [district 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 :

Power of entry to inspect, survey or execute works.

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

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² 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).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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 ¹ [executive authority] of a ² [district board] or any person authorized by him in this behalf may examine and test the weights and measures used in markets and shops ³ [in the district] with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Central I
Act XLV
of 1860.

Power to enforce licensing provisions, orders, etc.

Consequences of failure to obtain licences, etc., or 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 ² [district board] or its ¹ [executive authority] 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 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 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

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "in the area of the local board concerned" by paragraph III, *ibid.*

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] of the ² [district 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.

³ [221. All costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the ² [district 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 ² [district 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.]

Recovery of sums due as taxes.

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 ² [district board] 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.

Limitation for recovery of dues.

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 ¹ [executive authority] of a ² [district board] or by a person expressly authorized in this behalf by the ² [district board] or its ¹ [executive authority] within three months of the commission of the offence. But nothing herein shall affect the provisions of the Code of Criminal Procedure, ⁴ [1898], in regard to the

Persons empowered to prosecute.

Central Act V of 18898.

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This section was substituted for original section 221 by section 181 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These figures were inserted by section 182, *ibid*.

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.

¹ [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, ² [except in the case of a fine, be paid on recovery] to the ³ [district board] concerned to be applied to the purposes of this Act.]

Central
Act VV of
1898.

Notice of
action
against
district
board.

⁴ [225. (1) No suit or other legal proceeding shall be brought against any ³ [district board], or the president, ⁵ [the executive authority] or any member, officer or servant thereof or against any person acting under the direction of such board, president, ⁵ [executive authority], 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 ³ [district board] and if the proceeding is intended to be brought against any such president, ⁵ [executive authority], 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.

¹ This section was substituted for original section 224 by section 183 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "on recovery, be paid" by Schedule II to the Adaptation Order of 1937.

³ These words were substituted for the words "local board" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This section was substituted for original section 225 by section 184 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were inserted by section 19 (i) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943, re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

(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 ¹ [district 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, ² [the executive authority] or any member, officer or servant of a ¹ [district board] or any person acting under the direction of a ¹ [district board], or such president, ² [executive authority], 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 proceeding shall, so far as it is maintainable in a court, be brought against the ¹ [district board] except in the case of suits brought under section 227.]

Central
Act V of
1908.

³ [225-A. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of electoral rolls, or for the conduct of any election.]

Injunctions
not to be
granted in
election pro-
ceedings.

226. The ⁴ [executive authority] of a ¹ [district board] may compound any offence under this Act which may by rules made by the ⁵ [State Government] be declared compoundable.

Compound-
ing of
offences.

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were inserted by section 19 (ii) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ This section was inserted by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1936 (Madras Act XXV of 1936).

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Liability of the president and members for loss, waste or misapplication of property.

227. (1) ¹ [The president, every member and the executive authority of ² (district board)] shall be liable for the loss, waste or misapplication of any money or other property owned by, or vested in, the ² [district 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 ² [district board] with the previous sanction of the ³ [State Government] or by the ⁴ [State Government].

(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 district board.

⁵ [227-A. When ⁶ [the president, any member, or the executive authority] of a ² [district board] 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 ³ (State 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. ⁷ [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.

¹ These words were substituted for the words "Every member of a local board" by section 20 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "local board" by paragraph 2 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "Provincial Government" were substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ This section was inserted by section 185 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "the president or any member" by section 21 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ This word was inserted by section 186 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(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.

229. No person shall obstruct or molest a ¹ [district board] its president ² [or executive authority], a member thereof, or any person employed by the ¹ [district board], or any person ³ [with whom a contract has been entered into] on behalf of the ¹ [district board], 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 obstruction of district boards' servants or contractors.

230. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited ⁴ [or any sign or mark erected] by, or under the orders of, a ¹ [district board] or its ⁵ [executive authority].

Prohibition against removal or obliteration of notice.

231. (1) The ⁵ [executive authority] of a ¹ [district board] may, with the consent of the collector and by an order in writing require the karnam or headman, or both, of any ⁶ [revenue village] comprised in the area of the ¹ [district board] to furnish within a reasonable time, any statement, account or return in respect of such ⁶ [revenue village] required for the purposes of this Act.

Power of executive authority to require karnams and headmen to furnish statements or returns.

(2) No village officer shall without reasonable excuse omit to obey any order issued under sub-section (1).

232. The ⁵ [executive authority] of a ¹ [district board] may summon any person to attend before him and to give

Powers of executive authority to summon parties.

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were inserted by section 22 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the words "with whom the president has entered into a contract" by *ibid.*

⁴ These words were inserted by section 187 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ These words were substituted for the word "village" by section 188 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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.

¹ [State Government]'s powers of delegation and arbitration.]

Delegation
of powers by
Government.

233. The ¹ [State Government] may by notification authorize any person to exercise ² [in any local area] ³ [* * * * *]

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.

⁴ [234. (1) When a dispute exists between a ⁵ [district 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 ¹ [State Government] are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the ¹ [State 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 ¹ [State Government] who shall decide the dispute in such manner as they deem fit.

⁶ [(3) Any decision given, whether before or after this sub-section comes into force under clause (a) of sub-section (1) or under sub-section (2) may, at the instance of the local authorities concerned, be modified from time to time by the ⁷ [State]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by section 189 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ The words "in regard to any local board or any class of local boards or all local boards in that area" were omitted by paragraph 112 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ This section was substituted for original section 234 by section 190 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This sub-section was substituted for original sub-section (3) by section 4 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act VIII of 1941), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

⁷ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, may, at the instance of such local authorities, be cancelled at any time by the ¹ [State] Government.

Any such decision or any modification therein or cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of Law.)]

² [(4) The powers of the ¹[State] Government under this section shall, in relation to a dispute to which a cantonment authority is a party, only be exercisable with the concurrence of the Central Government.]

³ [*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 ⁴[district board] as constituted under the Madras Local Boards Act, 1884, as well as all liabilities legally subsisting against the said ⁴ [district board] shall pass to the same ⁴ [district board] as constituted under this Act.

Madras
Act IV of
1884.

Passing of
Property
and rights
to district
board as
reconsti-
tuted.

(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 ⁴ [district board] at the time this Act comes into force may be recovered as though they had accrued under this Act.

⁵[**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—

Madras
Act V of
1884.

Utilization
of railway
cess accu-
mulations.

(a) with ⁶ [such sanction as is mentioned in sub-section (1) of section 113], for all, or any of the purposes specified in ⁷ [that sub-section] or

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This sub-section was inserted by the Adaptation Order of 1937.

³ 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).

⁴ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was substituted for original section 236 by section 192 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted for the words "the previous sanction of the Government of India" by the Adaptation Order of 1937.

⁷ These words were substituted for the words "sub-section (1) of section 113" by the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(b) with the previous sanction of the ¹[State Government]—

(i) for all or any of the purposes specified in subsection (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.]

Extent and commencement of Act.

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.

Madras Act VV of 1920.

(2) It shall come into force on such date or dates as the ¹[State Government] may by notification appoint, and different dates may be appointed for different provisions of this Act, ²[. . .] 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 :

³ [. . .]

⁴ [238. * * * * *]

⁴ [239. * * * * *]

Special provision in the case of newly constituted and reconstituted district boards.

⁵ [240. (1) Notwithstanding anything contained in this Act when a ⁶ [district board] is constituted for the first time, the ¹ [State Government] may appoint a special officer to exercise the powers, discharge the duties and perform the functions of the ⁶ [district board] and ⁷ [its president ⁸ (including his powers, duties and functions as executive authority)].

¹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

² The words " for different classes of local boards " were omitted by paragraph 114 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This proviso was omitted by clause 4 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

⁴ Sections 238 and 239 were omitted by section 193 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

⁵ This section was substituted for original section 240 by section 194, *ibid.*

⁶ These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the words " its president " by section 23 (i) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XXX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁸ These words were substituted for the words " and its executive authority " by paragraph 115 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(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 ¹ [. . . . ² (. . .) . . .] of the publication of the notification under ³ [section 3-A ⁴ (. . .) ⁵ (. . .)].

⁶ [(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the district board until a board has been constituted; and

(b) of the president of the board including his powers, duties and functions as executive authority 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 ⁷ [expire in such year and on such date therein as the ⁸ [State 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 ⁹ [district board] ¹⁰ [in that one of the three groups of

¹ 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).

² The words "revenue district or" were omitted by section 5 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

³ This expression was substituted for the words and figures "section 4 or 5" by *ibid.*

⁴ 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).

⁵ The words and figure "or 5 as the case may be" were omitted by paragraph 115 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This sub-section was substituted by paragraph 115 (iii), *ibid.*, for sub-section (3) as substituted by section 23 (ii) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁷ These words were substituted for the words, figure and brackets "expire at the end of three years if the day referred to in sub-section (2) 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" by section 6 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

⁸ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ These words were substituted for the words "in the same district" by paragraph 115 (iv), *ibid.*

districts as divided by the Madras Local Boards (Amendment) Act, 1935, to which the district belongs]. The date so fixed shall not be later than the thirty-first day of December.]

Maladras
Act XII
of 1935.

(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 ¹(district boards).

(7) When the number of seats on a ¹[district 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.

²[(8) The ³[State Government] may pass such orders as they may deem fit, as to—

(i) the disposal of the property vested in a ⁴[district board] which has ceased to exist, and the discharge of its liabilities,

(ii) the disposal of the property vested in a ¹[district board] and situated in a local area in which such board has ceased to exercise jurisdiction ⁴[or for which a panchayat has been newly constituted] and the discharge of the liabilities of the board relating to such property or arising from such local area.]

Transfer of
functions of
district
boards to
panchayats.

⁵[240-A. Notwithstanding anything contained in this Act, or in the Madras Village Panchayats Act, 1950, the State Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that any function vested in a district board by or under the Madras District Boards Act, 1920, shall be transferred to and performed by any panchayat or class of panchayats.]

Maladras
Act X of
1950.

Constru-
tion of
references to
president
in other
enactments,
etc.

⁶[241. (1) Any reference to the president of a ¹[district board] ⁷[. . . .] contained in any enactment in force in the ⁸[State] of Madras or in any notification, order, scheme,

¹ These words were substituted for the words "local board" or "local boards" as the case may be, by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This sub-section was substituted for original sub-section (8) by section 3 of the Madras Municipal and Local Boards (Amendment) Act, 1947 (Madras Act XXIV of 1947). (Section 3 of Madras Act XXIV of 1947 deemed to have come into force on the 4th January 1921).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were inserted by paragraph 115 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ This section was inserted by paragraph 116, *ibid*.

⁶ This section was added by section 24 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting ((No. III) Act, 1948 (Madras Act IX of 1948).

⁷ The words "district board or panchayat" were omitted by paragraph 117 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ This word was substituted for the word "Province" by the Adaptation Order of 1950.

rule, form or by-law made under any such enactment and in force in the said ¹[State,] shall where such reference relates to the executive functions of such president, be construed as a reference to the executive authority of the ²[district board].
³[.]

(2) If any question arises as to whether any such reference relates to the executive functions of such president or not, the decision of the ⁴ [State Government] shall be final.]

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 (Amendment) Act, 1900.	The whole.
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 ² [DISTRICT BOARDS].

[See section 31.]

⁵ [1. Every ² [district board] shall provide an office in such place as may be fixed by the ⁴ (State Government).]

¹ This word was substituted for the word "Province" by the Adaptation Order of 1950.

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "district board or panchayat as the case may be" were omitted by paragraph 117, *ibid*.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ Rules 1 to 4 were substituted for original rules 1 to 3 by section 195 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act IX of 1930).

¹[2. Every district ² (. . . .) board shall meet at least once in two months, ³ [.] 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.]

¹3[. (1) No meeting ⁴[of the district board] 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 ⁵ [. . .] at least ten clear days before the day of the meeting ⁶ [. ⁷ (.)] .

(2) In cases of urgency, the president may convene a meeting on giving shorter notice than that specified in sub-rule (1).]

¹4[. (1) The president of a ⁸ [district 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 ⁸[district board] during office hours to the president, [. . . .] secretary, manager or any other person who may then be in charge of the office,

¹⁰ [.]

at least fifteen clear days before the day of the meeting

¹¹ [⁷ (.)] .

(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

¹ Rules 1 to 4 were substituted for 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 every panchayat at least once in every month " were omitted by paragraph 118 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were inserted by paragraph 118 (ii), *ibid.*

⁵ The words " at least three clear days before the day of the meeting in the case of panchayats and " were omitted by *ibid.*

⁶ The words " in the case of district boards " were omitted by *ibid.*

⁷ The words " and taluk " were omitted by section 50 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁸ These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ The words " executive officer ", which were inserted by section 25 of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act XI of 1948), were omitted by paragraph 118 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ The words " at least ten clear days before the day of the meeting in the case of panchayats, and " were omitted by *ibid.*

¹¹ The words " in the case of district boards " were omitted by *ibid.*

may be called 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 ²[district 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 ²[district 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 ³[and exercise] a second or casting vote.

¹[7.] No business shall be transacted at a meeting of and ²[district board] unless there be present at least one-third of the number of members then on the ²[district 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 ²[district 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 ⁴[.] not less than one-half of the sanctioned number of members.

¹[10.] Minutes of the proceedings at ⁵[every meeting] of a ²[district board] shall be drawn up and entered in a book to be kept for that purpose and shall be signed by the ⁶[presiding member] or in his absence by some one of the members present thereat ; and the said minutes shall, at all reasonable times without charge, be open at the office of the ²[district board] to the inspection of any person who pays any tax under this Act.

¹ Original 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 substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were inserted by section 196 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ The words "votes of" were omitted by section 196 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁵ These words were substituted for the words "each meeting" by section 196 (iii) (a), *ibid*.

⁶ These words were substituted for the words "president or the member who presided at such meeting" by section 196 (iii) (b), *ibid*.

¹ [11.] ² [Within three days of the date of the meeting of a district board a copy of the minutes of the proceedings at such meeting in English and in the language of the district shall be forwarded to the Collector of the district and another copy to the ³ [Regional Inspector] of Municipal Councils and ⁴ [Local Boards] of the range in which the district board is situated. An authenticated copy of the said minutes shall be sent to the Heads of Departments of the ⁵ [State] Government and to the Superintending Officers appointed under ⁶ (section 37) for information and necessary action.]

⁷ [(2)]

⁷ [(3)]

⁷ [(4)]

⁸ [12. The ⁹ [executive authority] of a ¹⁰ [district board] shall have the custody of the proceedings and records of the board and ¹¹ (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 ⁹ [executive authority], as provided in section 76 of the Indian

¹ Original 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 Sub-rule (1) was substituted for original sub-rule (1) by Local Administration Department Notification No. 309, dated the 12th April 1943, published at page 164 of Part I-A of the *Fort St. George Gazette*, dated the 27th April 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39-58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948; and the sub-rule as so substituted was renumbered as rule 11 by paragraph 118 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "Deputy Inspector" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

⁴ The substitution of the words "District Boards" for the words "Local Boards" would be inconsistent with the definition of "Inspector" in section 2 (12) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), and hence the words "local boards" are not altered in accordance with paragraph 1 of Schedule IV to that Act.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ This expression was substituted for the words, brackets and figures "sub-section (1) of section 37" by paragraph 118 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ Sub-rules (2), (3) and (4) as substituted for the original sub-rules by section 196 (iv) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), were omitted by paragraph 118 (iv), *ibid.*

⁸ This rule was substituted for rule 12 as renumbered by section 196 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹⁰ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹¹ 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).

Central
Act II of
1872.

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.]

¹ [13.] The proceedings of ² [every standing or other committee] appointed by a ³ [district board] shall be recorded in writing and submitted to the board.

⁴ [SCHEDULE III. * * *]

SCHEDULE IV.

TAXATION RULES.

⁵ [(See sections 92 and 93.)]

PART I—LAND CESS.

1. The district collector shall be responsible for the assessment and collection of the land cess.

⁶ [2. * * * * *]

⁷ [3. The District Collector shall cause the net proceeds of the land-cess collected under the authority conferred on him by this Act to be credited to the district fund and the panchayat fund in accordance with the provisions of section 92.]

4. The district collector shall annually, at such times ⁸ [as the ⁹ (State Government) may, by general or special order direct,] render to the ¹⁰ [district board or panchayat concerned] an estimate of the probable gross receipts and charges of collection of the land cess to be collected by him under this Act.

¹ Original 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 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).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ Schedule III was omitted by section 4 (7) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁵ These words, figures and brackets were substituted for the words, figures and brackets "(see: sections 92, 93, 95, 98 and 104)" by section 119 (i) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This rule was omitted by section 198 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This rule was substituted for rule 3 by paragraph 119 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ These words were substituted for the words "as may be prescribed" by section 200 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹⁰ These words were substituted for the words "local board concerned" by paragraph 119 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹[PART II—PROFESSION TAXI.¹[General.]

5. (1) ² [Tho ³ (executive authority) of a ⁴ (district board)] shall prepare and keep ⁵ [. . .] assessment books showing the companies and persons liable to the ⁶ [. . .] profession tax ⁷ [. . .].

(2) The assessment books ⁸ [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 ⁹ [any person who pays ¹⁰ (the tax) to the ⁴ (district board) ¹¹ (or his authorized agent,) and such person or agent shall be entitled to take extracts, free of charge, from the said books and records ¹² (. . .)].

(3) The account books of a ¹³ [district board] shall be open without charge to inspection by ¹⁴ [any person who pays ¹⁰ (the tax) to the ¹³ (district board) or his authorized agent] on a day or days in each month to be fixed by the ¹³ [district board].

¹ This heading was substituted by paragraph 119 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the heading as substituted by section 201 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "A local board" by section 202 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ The word "separate" was omitted by paragraph 119 (v), *ibid.*

⁶ The words "the companies tax" were omitted by section 202 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The words "and the house-tax" were omitted by paragraph 119 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ These words were inserted by section 202 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ These words were substituted for the words "any tax-payer" by section 202 (ii) (b), *ibid.*

¹⁰ These words were substituted for the words "any tax" by paragraph 119 (vi) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹¹ These words were inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act, XIII of 1938).

¹² The words "or his authorised agent" were omitted by *ibid.*

¹³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁴ These words were substituted for the words "any rate payer" by section 202 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [(4) (a) If at any time it appears to the ² [district board] that any company or person ³ [] has been inadequately assessed or inadvertently or improperly omitted from the assessment books ⁴ [. . .] or that there is any clerical or arithmetical error in the said books, it may direct the ⁵ [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 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.]

⁶ [6. The ⁵ (executive authority) shall, save as otherwise provided in this Act, determine the tax to which each company ⁷ (or person) is liable :

Provided that in the case of taxes payable by the ⁵ (executive authority), the assessment shall be made by the ² (district board)].

7. (1) The ⁵ [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.

(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,

¹ This sub-rule was substituted for original sub-rule (4) by section 202 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the word "panchayat" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ The words "or any property" were omitted by paragraph 119 (vii) of Schedule IV, *ibid.*

⁴ The words "relating to any tax" were omitted by *ibid.*

⁵ These words were substituted for the words "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁶ This rule was substituted for the original rule 6 by section 203 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted for the words "person or property" by paragraph 119 (viii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(d) the period for which payment has been made,
and

(e) the amount paid.

¹[.]

¹[8. * * * * *]

²[Assessment of the profession tax.]

²[9. ³(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.
I	More than Rs. 15,000	...	...	...	125
II	Do.	12,000	but not more than Rs. 15,000		100
III	Do.	9,000	do.	12,000	75
IV	Do.	6,000	do.	9,000	50
V	Do.	4,800	do.	6,000	25
VI	Do.	3,000	do.	4,800	12
VII	Do.	1,800	do.	3,000	6
VIII	Do.	1,200	do.	1,800	4
IX	Do.	600	do.	1,200	2
X	Do.	300	do.	600	1]

(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,

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 This heading and rules 9 to 11-A were substituted for the original heading and rules 9 to 11 of the *Fort St. George Gazette*, dated the 18th April 1950, (Amendment) Act, 1930 (Madras Act XI of 1930).

³ This sub-rule was substituted by Local Administration Department Notification, dated the 12th April 1950, published at page 52 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 18th April 1950, for sub-rule (1) as substituted by Local Administration Department Notification No. 153, dated the 18th February 1942, published at page 158 of Part I-A of the *Fort St. George Gazette*, dated the 3rd March 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39-58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

but no class shall be exempted from liability when any lower class is liable to tax.]

¹ [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 ² (non-panchayat area) if such company or person has an office or place of employment within such ² (non-panchayat area.)]

¹ [11. (1) Where a company or person transacts ³ (any business other than money-lending) in any half-year exclusively in ⁴ (the non-panchayat area of a single district board), 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—

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(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

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(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 ⁵ (percentage or percentages) as the ⁶ (State Government) may, subject to the approval of ⁷ [both ⁸ (Houses) of the ⁹ (State) Legislature], ¹⁰ (deter-

¹ Rules 9 to 11-A 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 by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952), for the words "non-panchayat areas" as substituted for the words "local area" by paragraph 119 (ix) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the word "business" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

⁴ These words were substituted for the words "the area of a single local board" by paragraph 119 (x) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the word "percentage" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "the Legislative Council" by the Adaptation Order of 1937.

⁸ This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

⁹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

¹⁰ This word was substituted for the word "prescribe" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

mine), of the turnover of ¹ (such business) transacted in ² [the non-panchayat area of the district 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 ³ (any business other than money-lending) ⁴ [partly in the non-panchayat area of a district board) and partly outside such area, the income of such company or person from the ⁵ (transaction of such business) ⁶ [in the non-panchayat area of the district 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 ⁷ (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 ⁸ [non-panchayat area] means the aggregate money value of the goods produced, manufactured, purchased or sold or of ⁹ (any other business except money-lending) transacted in such ⁸ [non-panchayat 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

¹ These words were substituted for the words "the business" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

² These words were substituted for the words "the area of the local board" by paragraph 119 (x) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the word "business" by Notification No. 716, L. & M., dated the 30th March 1931, published on page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

⁴ These words were substituted for the words "partly in the area of a local board" by paragraph 119 (xi) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted for the words "transaction of business" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

⁶ These words were substituted for the words "in the area of the local board" by paragraph 119 (xi) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the words "turnover of the business" by Notification No. 716, L. & M., dated the 30th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

⁸ These words were substituted for the words "local area" by paragraph 119 (xii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ These words were substituted for the words "any other business" by Notification No. 716, L. & M., dated the 20th March 1931, published at page 345 of Part I-A of the *Fort St. George Gazette*, dated the 14th April 1931.

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 [II-A. (1) If, in the opinion of the ² [executive authority] of the ³ [district board], 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 ² [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 falling under clause (b) of sub-rule (1) or under sub-rule (2) of rule 11, if the company

¹ Rules 9 to II-A were substituted for original 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 word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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 ¹ [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 levying profession tax.

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(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.]

² [.]

² [12 to 25. * * * * * *]

³ [.]

³ [26. * * * * * *]

Appeals.

⁴ [27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A.]

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² Rules 12 to 25 and the heading thereto were omitted by paragraph 119 (xiii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This rule and the heading thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ This rule was substituted by paragraph 119 (xiv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for rule 27 as amended by the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948), and Local Administration Department Notification No. 400, dated the 21st September 1945, published at page 250 of Part I-A of the *Fort St. George Gazette*, dated the 23rd October 1945, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

28. No appeal to a ¹ [district board] shall be heard—

(i) unless it reaches the office of the ¹ [district board] within thirty days after the tax complained of has been demanded, and

² [(ii) unless (except when the ³ [executive authority] 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 ⁴ (district board) within the period specified in clause (i).]

29. The ⁵ [district board] may, of its own motion or otherwise, cancel or modify any order passed by the ³ (executive authority) reducing or remitting a tax.

30. The assessment books shall be corrected in accordance with any orders passed by the ⁶ [district board] on appeal; in the event of the amount of ⁷ (the tax) being ⁸ [reduced] or remitted by the ⁶ [district board] the ³ (executive authority) shall grant a refund accordingly.

31. The assessment or demand of ⁷ (the tax) when no appeal is made as hereinbefore provided, and ⁹ [when such an appeal is made, the adjudication of the ⁴ (district board), thereon shall be final :

¹⁰ [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.]

¹ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for the word "panchayat" as 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 for original clause (ii) by section 222 (ii), *ibid.*

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words were substituted for the word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁵ These words were substituted by *ibid.*, for the word "panchayat" as substituted for the words "local board" by section 223 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were substituted by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950, (Madras Act X of 1950), for the word "panchayat" as substituted for the words "local board" by section 224 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were substituted for the words "any tax" by paragraph 119 (xv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ This word was substituted for the word "decreased" by section 224 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁹ These words were substituted for the words "the adjudication of an appeal by the local board" by section 225 (1), *ibid.*

¹⁰ This proviso was added by section 225 (2), *ibid.*

Collection of taxes.

¹ [32. (1) Where any amount, not being a tax in respect of which a notice has to be served under section 96, nor school fees nor rents for lands and buildings demised by the district board, is due from any person to the district board under this Act or any other law or rules or by-laws made thereunder, for the recovery of which there is no special provision in this Act, the Executive authority 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) shall be signed by the Executive Authority 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 or the amount is claimed; and

(b) a notice of the liability incurred in default of payment.

(3) No tax for any half-year or the amount due for a year shall be recovered from any person in the manner laid down in rule 33 unless the notice or bill is served upon such person either within that half-year or year or in the succeeding half-year or year as the case may be:

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.

(4) Nothing contained in this rule or in rule 33 shall preclude the district board from suing in a civil court for any tax or amount due to it under this Act or any other law.

33. (1) If the amount due on account of tax or other amount due is not paid within fifteen days from the service of the notice or bill and if the person from whom the tax or other amount is due, has not shown cause to the satisfaction of the executive authority why it should not be paid, the 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 or other amount due together with the warrant fee and the distraint fee with such further sum as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained :

* These rules were substituted for the original rules (as subsequently amended) by the rules issued in G. O. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the Fort St. George Gazette, dated the 24th March 1954.

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Provided always that the 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, distraint or a sufficient distraint of the defaulter's property is impracticable, the executive authority may prosecute the defaulter before a magistrate.

(3) 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 shall be levied.

(4) Under a special order in writing of the executive authority, 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 ¹ [or other amount] due and warrant fee. If the tax ¹ [or other amount] and fee are paid, no distraint shall be made, ² [but, if the tax ¹ [or other amount] 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 :

³ [Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.]

¹ These words were inserted by the rules issued in G. O. R. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the *Fort St. George Gazette*, dated the 24th March 1954.

² These words were substituted for the words "but if not" by section 228 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ This proviso was added by section 228 (i) (b), *ibid.*

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible ¹ [equal in value to the tax ² (or other amount)] 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 ² [or other amount due], 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 ³ (executive authority) the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the ³ (executive authority), who shall apply the proceeds of the sale to the payment of the amount due on account of the tax ² [or other amount due], 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 ² [or other amount due], the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the ³ (executive authority) may ⁴ [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 ³ (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.

(3) The ³ (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 ³ (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

¹ These words were substituted for the words "proportionate in value to the sum" by section 228 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were inserted by the rules issued in G.O. R.No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the *Fort St. George Gazette* dated the 24th March 1954.

³ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁴ These words and figures were substituted for the words and figures "again proceed under rule 32" by section 229 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 ¹ (executive authority) that he wilfully permitted the distraint of the property ² [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 ³ (district board).

(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 ⁴ [sub-rule (1) of rule 33] may be distrained wherever it may be found within the area of the ³ (district board).

⁵ [38. * * * * *]

39. (1) Every person who is prosecuted ⁶ [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 ⁷ [or other amount due] 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 [. . . .].

¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

² These words were substituted for the words "which to his knowledge was not liable" by section 229 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ 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).

⁵ This rule was omitted by paragraph 119 (xviii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words and figures were substituted for the words and figures "under rule 33" by section 232 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ These words were inserted by the rules issued in G. O. R. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the *Fort St. George Gazette* dated the 24th March 1954.

⁸ The words "and he shall also pay the said amount and the cost of the prosecution" were omitted by section 232 (1) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹ [(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 ² (district 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 ² (district board) such amount, if any, as he may fix as the costs of the prosecution.]

³ [39-A. Neither the ⁴ (executive authority) nor any officer or servant of the ² (district board) shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.]

40. Where the collection of ⁵ [. . . .] 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 ⁴ (executive authority) of the ² (district board) concerned—may re-enter upon and relet or resell the farm at the risk of the lessee ; and ⁶ [upon such re-entry] the term of the original lease shall be determined.

⁷ [APPENDIX A].

Distrain warrant.

[See rule 33 (4).]

Warrant No.

To

(Name of officer charged with execution of warrant.)

⁸ [State tax or taxes or other amounts due and particulars thereof inclusive of those of the premises, if any, in respect of which the amounts are due.]

¹ This sub-rule was substituted for original sub-rule (2) by section 232 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This rule was inserted by section 233 of Madras Act XI of 1930, *ibid.*

⁴ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

⁵ The words "tolls or" 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 word "thereupon" by section 234 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ This Appendix was substituted for the original Appendix A by section 235, *ibid.*

⁸ This was substituted for the words and brackets below the entry "(Name of officer charged with the execution of warrant)" by the rules issued in G.O.R. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125* of Part I-A of the *Fort St. George Gazette* dated the 24th March 1954.

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 ¹ [or other amounts due] 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 _____

² (_____),, 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 ¹ [or other amounts due] 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 ¹ [or other amounts due] and fees, viiz., 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 _____

Date 19 _____

} [Signature of the
³ (executive authority
 or other officer.)]

¹ These words were inserted by the rules issued in G.O.Rt. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the *Fort St. George Gazette* dated the 24th March 1954.

² The words and brackets "(or as the case may be any goods and chattels found on the premises referred to)" were omitted by paragraph 119 (xix) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were substituted for the words "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

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 ² [or other amounts due] 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 ³ (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.

Station

Date 19 .

(Signature of the
officer executing the warrant
of distress).]

¹ This Appendix was substituted for the original Appendix B by section 235 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² These words were inserted by the rules issued in G. O. Rt. No. 278, Local Administration, dated the 1st March 1954, published at pages 124 and 125 of Part I-A of the *Fort St. George Gazette* dated the 24th March 1954.*

³ These words were substituted for the word ' president ' by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943) pre-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

¹ [APPENDIX C.*Table of maximum fees payable on distrainments.*

Sum distrained for.	[See rule 36 (1).]				Fees.		
	Rs.	A.	P.		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.

1. ² [(a) It shall be the duty of every ³ (district board) to provide for the payment of—

(i) any amounts falling due on any loans contracted by it ; ⁴ [.]

⁴ [(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the ³ (district board), and the maintenance of the election establishment.

¹ This Appendix was substituted for the original Appendix C 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 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

³ These words were substituted for the words " local board " by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ The word " and " at the end of clause (i) was omitted, new clause (ii) was inserted and original clause (ii) was renumbered as clause (iii) by Notification No. 2136, L. & M., dated the 26th November 1930, published on page 1000 of Part I-A of the *Fort St. George Gazette*, dated the 2nd December 1930.

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;]

¹ [(iii)] the salaries and allowances ² [and the pensions, pensionary contributions and provident fund contributions] of its officers and servants.

³ [(aa)] * * * * *

⁴ [(b) The ⁵ [State 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 ⁶ (district 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.]

⁷ [* * * * *]

⁸ [I-A * * * * *]

¹ The word "and" at the end of clause (i) was omitted, new clause (ii) was inserted and original clause (ii) was renumbered as clause (iii) by Notification No. 2136, L. & M., dated the 26th November 1930, published on page 1000 of Part I-A of the *Fort St. George Gazette*, dated the 2nd December 1930.

² These words were inserted by Notification No. 292, L. & M., dated the 23rd February 1932, published at page 175 of Part I-A of the *Fort St. George Gazette*, dated the 23rd February 1932.

³ This sub-rule which was inserted by Local Administration Department Notification No. 207, dated the 4th May 1944, published at page 132 of Part I-A of the *Fort St. George Gazette*, dated the 23rd May 1944, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948, was omitted by paragraph 120 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ Sub-rule (b) was re-lettered as sub-rule (c) and new sub-rule (b) was inserted by Notification No. 2136, L. & M., dated the 26th November 1930, published at page 1000 of Part I-A of the *Fort St. George Gazette*, dated the 2nd December 1930.

⁵ The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ Sub-rule (c) was omitted by Notification No. 292, L. & M., dated the 23rd February 1932, published at page 175 of Part I-A of the *Fort St. George Gazette*, dated the 23rd February 1932.

⁸ This rule was omitted by paragraph 120 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹ [I-B] ² [(1) A district board—

(a) shall make provision for the construction, diversion, improvement and maintenance of the different classes of roads in its charge and of all bridges, culverts, road dams and causeways on such roads to such extent as the ³ (State) Government consider necessary and practicable; and

(b) shall not divert such provision to other purposes without the express sanction of the ³ (State) Government.]

² [(2)] 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:—

⁴ [(a) * * * * * ;]

(b) the construction and maintenance of all travellers' bungalows and rest-houses on all public roads in the district;

⁵ [(c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas.]

⁶ [(cc) the opening and maintenance of elementary schools ⁷ (except in any panchayat area where a contribution is paid by the district board to the panchayat on the scale fixed by the State Government for the opening and maintenance of elementary schools) ;]

¹ Rule I-B was omitted and rule I-C was re-lettered as rule I-B by section 52 (v) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

² Sub-rules (1) and (2) were re-numbered as sub-rules (2) and (3) respectively and sub-rule (1) was inserted by Local Administration Department Notification No. 541, dated the 12th May 1941, published at page 348 of Part I-A of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ This clause was omitted by Local Administration Department Notification No. 541, dated the 12th May 1941, published at page 348 of Part I-A of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ This clause was substituted for clause (c) by paragraph 120 (iii) (I) (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ This clause was inserted by section 52 (vi) 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 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" by paragraph 120 (iii) (I) (2) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(d) the opening and maintenance of secondary and sessional schools, vocational or industrial schools and hostels for students ;

¹ [(*dd*) the opening and maintenance of libraries and reading rooms in non-panchayat areas and of libraries and reading rooms classified as district libraries and district reading rooms in panchayat areas ;]

(e) the district health officer and his office establishment ;

(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 ;

² [(*h*) the establishment and maintenance of hospitals ; the establishment and maintenance of dispensaries in non-panchayat areas and of dispensaries other than those classified as panchayat dispensaries in panchayat areas ; and every other kind of medical relief in non-panchayat areas, and every other kind of medical relief not given by the panchayat in panchayat areas ;]

³ [(*hh*) vaccination ;]

⁴ [(*i*) preventive and remedial measures connected with epidemics ⁵(except, in panchayats areas, such measures as may have been carried out by the panchayat under the Madras Village Panchayats Act, 1950) ;]

(j) the establishment and maintenance of veterinary hospitals and dispensaries in the district ; ⁶ []

⁷ [* * * * *]

¹ This clause was substituted for clause (*dd*) by paragraph 120 (iii) (1) (3) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This clause was substituted for clause (*h*) by paragraph 120 (iii) (I) (4), *ibid.*

³ This clause was inserted by section 52 (viii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ This clause was substituted for original clause (*i*) by section 4 (ii) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act III of 1935).

⁵ These words were substituted for the words "except such measures as may have been ordered by the Provincial Government to be carried out by panchayats under clause (j) of sub-rule (1) of rule I-A" by paragraph 120 (iii) (I) (5) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ The word "and" was omitted by section 52 (ix) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁷ Clause (*k*) was omitted by section 4 (iii) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act III of 1935).

¹ [(l) the opening and maintenance of public markets which are classified as district markets ² (in panchayat areas and of all public markets in non-panchayat areas) ;]

¹ [(m) the control of fairs and festivals which are classified as district fairs and festivals ³ [in panchayat areas and of all fairs and festivals in non-panchayat areas ;] and

⁴ [(n) the construction of drains and disposal of drainage water and sullage in any non-panchayat area ;

(o) in any non-panchayat area, the cleansing of streets, the removal of rubbish heaps, jungle growth and pricklypear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows ; and other improvements of the sanitary condition ;

(p) the provision of public latrines and arrangements to cleanse latrines, whether public or private, in any non-panchayat area ;

(q) the opening and maintenance of burial and burning grounds in non-panchayat areas ;

(r) in non-panchayat areas, 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 ;

(s) the opening and maintenance of public slaughter-houses in non-panchayat areas ;

(t) the establishment and maintenance in non-panchayat areas of wireless receiving sets, of playgrounds, of parks, of sports clubs and centres of physical culture].

⁵ [(3) Subject to such rules as the " [State Government] may make, the district board shall also have power to make such

¹ This clause was inserted by section 52 (x) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

² These words were added by paragraph 120 (iii) (I) (6) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ These words were added by paragraph 120 (iii) (I) (7), *ibid*.

⁴ These clauses were substituted by paragraph 120 (iii) (I) (8), *ibid*, for clause (n) as substituted by section 52 (x) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ Sub-rules (1) and (2) were re-numbered as sub-rule (2) and (3) respectively and sub-rule (1) was inserted by Local Administration Department Notification No. 541, dated the 12th May 1941, published at page 348 of Part I-A of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948. •

• The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950. •

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 ;

¹ [(d) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district; and]

(e) contributions in aid of purposes similar to those mentioned in ² [sub-rules (1) and (2)] and clauses (a) to (d) of this sub-rule to other ³ (district boards), municipal councils ⁴ [and private persons or associations].

⁵ [I-C] (1) The ⁶ [State Government] shall have power to make rules regarding the maximum amount of expenditure that may be incurred by a ⁷ (district 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 ⁷ (district board) may incur any charge necessary for or incidental to its administration.

⁸ [2. * * * * *]

⁸ [3. * * * * *]

¹ This clause was substituted for clause (d) by paragraph 120 (iii) (II) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This expression was substituted for the expression "sub-rule (1)" by Local Administration Department Notification No. 541, dated the 12th May 1941, published at page 348 of Part I-A of the *Fort St. George Gazette*, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

³ These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁴ These words were substituted for the words "and private persons" by Notification No. 1581, L. & M., dated the 15th September 1931, published at page 760 of Part I-A of the *Fort St. George Gazette*, dated the 15th September 1931.

⁵ 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).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁷ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ Rules 2 and 3 were omitted by paragraph 120 (iv) of Schedule IV, *ibid*,

4. A ¹ (district board) may, notwithstanding anything contained in these rules, contribute to the funds of ² (any panchayat) in the district and may, with the sanction of the ³ [State Government],

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the local area within its jurisdiction ;

(2) contribute to any charitable fund ⁴ [or to a fund for the defence of the local area within its jurisdiction, ⁵ (or the Dominion of India)] 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.

⁶ [5. The receipts under this Act which shall be credited to ⁷ [. . .), ⁸ [.] ⁹ () district funds ¹⁰ (. . .) are as follows :—

¹¹ [.]

¹¹ [(1) to (21). * * * * *]

¹ These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the words "any other local board" by paragraph 120(v) of Schedule IV, *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were inserted by Local Administration Notification No. 216 dated the 11th February 1941, published at page 142, of Part I-A of the *Fort St. George Gazette*, dated the 25th February 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ These words were substituted for the words "India or the Empire" by *ibid.*

⁶ This rule was substituted for original rule 5 by section 239 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁷ The word "village" was omitted by paragraph 120 (vi) (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁸ The word "taluk" was omitted by section 32 (xiv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁹ The word "and" was omitted by paragraph 120 (vi) (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹⁰ The word "respectively" was omitted by *ibid.*

¹¹ The heading "A.—Village Funds" and the items thereunder were omitted by *ibid.*

¹ [*District Funds.*]

² [(1) The land-cess levied in the district, subject to the provisions of section 92.

(2) The profession tax levied in non-panchayat areas in the district under section 93.

(2-A) The pilgrim tax levied (i) in respect of any panchayat area in the district where the occasion for pilgrimage is a festival classified as a district festival, and (ii) in respect of any non-panchayat area in the district.]

³ [(2) * * * * *]

(3) Fees on licences issued and permissions given by the district board under this Act.

⁴ [(3-A). Fees levied (i) in public markets in panchayat areas which are classified as district markets, after deducting the contribution, if any, paid by the district board to the panchayat on the scale fixed by the Government, and (ii) in public markets in non-panchayat areas.

(3-B) The contribution paid to the district board by panchayats in respect of markets situated in panchayat areas which are not classified as district markets, on the scale fixed by the Government.

(3-C) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses in non-panchayat areas; and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in non-panchayat areas.]

(4) Fees for the use of travellers' bungalows and rest-houses in the district.

(5) Fees for the use of choultries ⁵ (in panchayat areas) classified as district choultries ⁶ (and of all choultries in non-panchayat areas).

¹ 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) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934), and for the heading as so substituted, the present heading was substituted by paragraph 120 (vi) (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These items were substituted for items (1) and (1-A) by paragraph 120 (vi) (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³ This item was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

⁴ These items were substituted by paragraph 120 (vi) (2) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for item (3-A) as inserted by section 52 (XXI) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ These words were substituted for the words "in the district" by paragraph 120 (vi) (3) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were added by *ibid.*

(6) Receipts of schools maintained by the district board including grants-in-aid to such schools.

(7) Receipts of hospitals ¹(of dispensaries in non-panchayat areas and of dispensaries in panchayat areas classified as district 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 ²(district boards), municipalities, other local authorities and private persons in aid of any institutions or services maintained or financed from district funds ³ [or managed by the district board].

⁴ [(11) * * * * *]

(12) Sale-proceeds of sweepings, tools and plant, old stores and materials, and of trees and avenue produce appertaining to all district roads ⁵ (and to all public roads in non-panchayat areas).

(13) Income from district board ferries ⁶(and fisheries).

(14) Income from railways, tramways, ropeways, 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.

⁷ [(18) Unclaimed deposits and other forfeitures].

⁸ [(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure

¹ These words were substituted for the words "and dispensaries classified as district hospitals and dispensaries" by paragraph 120 (vi) (4) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the words "local boards" by paragraph I, *ibid.*

³ These words were added by section 4 (v) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act III of 1935).

⁴ Clause (11) was omitted by the Adaptation Order of 1937.

⁵ These words were added by paragraph 120 (vi) (5) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ These words were inserted by paragraph 120 (vi) (6), *ibid.*

⁷ Clause (18) was omitted and clause (19) was renumbered as clause (18) by Notification No. 292, L. & M., dated the 23rd February 1932, published at page 175 of Part I-A of the *Fort St. George Gazette*, dated the 23rd February 1932.

⁸ This item was inserted by paragraph 120 (vi) (7) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

on, any institutions or services maintained or financed from the district fund or managed by the district board.]

¹ [6. * * * * *]

² [7. * * * * *]

General.

³ [8. (1) All moneys received by a district ⁴(.) board shall be lodged in the nearest Government treasury ⁵(.)

⁶ [(2)] A district ⁴(.) board may with the sanction of the ⁷(State Government) ⁸(.)

(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 ⁷(State Government) may, by general or special order, approve.

⁶ (* * * * *)]

⁹ [9. (1) All orders or cheques against a ¹⁰(district fund) shall be signed—

(a) by the ¹¹(executive authority); or

¹ This rule was omitted by paragraph 120 (vii) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950):

² This rule was omitted by the Adaptation Order of 1950.

³ This rule was substituted for original rule 8 by section 241 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ 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).

⁵ The words "and all moneys received by a panchayat shall be lodged either in the nearest Government treasury or in the nearest Post Office Savings Bank" were omitted by paragraph 120 (viii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁶ Clause (b) of sub-rule (2) was omitted and clause (a) was renumbered as sub-rule (2) by paragraph 120 (viii) (2), *ibid.*

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁸ The words "and a panchayat may with the sanction of the Inspector of Local Boards" were omitted by paragraph 120 (viii) (2) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁹ This rule was substituted for original rule 9 by section 241 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

¹⁰ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

¹¹ These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act I of 1948).

¹ [(b)] by some person duly authorized in that behalf by the ² (executive authority) ³ (.).

¹ [* * * * *] ⁴ [or

(c) subject to such control as may be prescribed, by such person as may be appointed by the ⁵ (State) Government in that behalf.]

(2) The treasury, bank, co-operative society or person in which or with whom the ⁶ (district fund) is lodged shall, so far as the funds to the credit of the ⁷(district board) admit, pay all orders or cheques against the fund which are signed as required by sub-rule (1).

(3) If the ⁷ (district 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 ⁷(district board) without such order or cheque any expense which the ⁸ (State Government) have incurred on behalf of the board.]

SCHEDULE VI.

LIST OF DANGEROUS DISEASES.

(See section 130.)

Acute influenzal pneumonia.	Glanders.
Anthrax.	Leprosy.
Chickenpox.	Plague.
Cholera.	Relapsing fever.
Diphtheria.	Smallpox.
Enteric fever.	Tuberculosis.

¹ Sub-clause (ii) of clause (b) was omitted and sub-clause (i) was re-lettered as clause (b) by paragraph 120 (ix) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² These words were substituted for the word "president" by section 2 (2) of the Madras Local Boards (Second Amendment) Act, 1943 (Madras Act XIX of 1943), re-enacted permanently by section 2 of the Madras Re-enacting (No. III) Act, 1948 (Madras Act IX of 1948).

³ The words "in the case of district boards or" were omitted by *ibid*.

⁴ This word and clause (c) were inserted by Local Administration Department Notification No. 596, dated the 9th June 1941, published at page 402 of Part I-A of the *Fort St. George Gazette*, dated the 10th June 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "local fund" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

⁷ These words were substituted for the words "local board" by *ibid*.

⁸ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

SCHEDULE VII.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED
WITHOUT A LICENCE.

(See section 193.)

- (a) Boiling ¹(paddy or) camphor;
² [(aa) washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes];
 (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; ³ [.]
 (h) manufacturing or distilling sago; manufacturing artificial manure; manufacturing or refining sugar; ⁴(manufacturing jaggery, sugarcandy or syrup otherwise than as a cottage industry by tappers or persons in enjoyment of the trees carried on in their own premises); ⁵(manufacturing beedies or cigars);

¹ These words were inserted by Local Administration Department Notification No. 188, dated the 5th February 1943, published at page 88 of Part I-A of the *Fort St. George Gazette*, dated the 9th March 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.

² This clause was inserted by Health Department Notification dated the 27th November 1951, published at page 286 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 4th December 1951.

³ The words "or burning lime" were omitted by section 242 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ These words were substituted by Public Health Department Notification dated the 31st March 1949, published at page 33 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949, for the words "manufacturing jaggery, sugarcandy, or syrup" as substituted by Local Administration Department Notification No. 423, dated the 23rd October 1943, published at page 384 of Part I-A of the *Fort St. George Gazette* dated the 23rd November 1943, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 15th April 1949.

⁵ These words were added by Public Health Department Notification No. 294, dated the 3rd July 1944, published at p. 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

(i) manufacturing gunpowder or fire-works; ⁴

¹ [(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 recognised control);

² [(kk) preparing flour or articles made of flour for human consumption or sweetmeats;]

(l) manufacturing ice or aerated waters;

³ [(ll) brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not), by distillation;]

⁴ [(m) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal;]

⁵ [(mm) selling wholesale or retail, or storing for wholesale or retail trade, or for purposes other than private or domestic use, grain, groundnut, ⁶ (tamarind), chillies, jaggery, pulses, flour, bran, oil-cakes or agricultural produce which is likely to attract rats;]

¹ This clause was substituted for original clause (j) by section 24A (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This clause was inserted by Public Health Department Notification No. 230 dated the 20th February 1933, published at page 77 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 28th February 1933.

³ This clause was inserted by Public Health Department Notification, dated the 18th October 1946, published at page 319 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 26th November 1946.

⁴ This clause was substituted for clause (m) by Local Administration Department Notification No. 188, dated the 5th February 1943, published at page 88 of Part I-A of the *Fort St. George Gazette*, dated the 9th March 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort George Gazette*, dated the 27th April 1948.

⁵ This clause was substituted by Public Health Department Notification No. 29, dated the 18th December 1944, published at page 18 of Part I-A of the *Fort St. George Gazette*, dated the 23rd January 1945, re-enacted permanently with retrospective effect on and from the 30th April 1949, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949, for clause (mm) as amended by Public Health Department Notification No. 57, dated the 18th January 1944, published at page 43 of Part I-A of the *Fort St. George Gazette*, dated the 15th February 1944 and Public Health Department Notification No. 175, dated the 15th April 1944, published at page 108 of Part I-A of the *Fort St. George Gazette*, dated the 25th April 1944, which were re-enacted permanently by Public Health Department Notification, dated the 28th March 1949, referred to above.

⁶ This word was inserted by Public Health Department Notification No. 253, dated the 12th June 1945, published at page 146 of Part I-A of the *Fort George Gazette*, dated the 19th June 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

¹ [(n) storing any explosive or combustible materials :

² (Provided that no licence shall be required for storing petroleum and its products in quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder) ;]

Central
Act
XXX of
1934.

³ [(nn) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn ;]

¹ [(o) manufacturing anything from which offensive or unwholesome smells arise ;]

¹ [(p) using for any industrial purpose any fuel or machinery ⁴ (other than such machinery as may by notification be exempted by the State Government from time to time) ; and]

¹ [(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 :]

⁵ (Provided that no licence shall be required for boiling paddy ⁶ [or for keeping soiled clothes or washed clothes or for washing soiled clothes] or for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal ⁷ [when such boiling, keeping, washing or storage] is for private use or is in a place not situated among inhabited houses).

¹ Clauses (n), (o), (p) and (q) were substituted for original clause (n) by section 242 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This proviso was added by Public Health Department Notification No. 426, dated the 29th September 1944, published at page 253 of Part I-A of the *Fort St. George Gazette*, dated the 31st October 1944. This was re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

³ This clause was inserted by Public Health Department Notification No. 175, dated the 15th April 1944, published at page 108 of Part I-A of the *Fort St. George Gazette*, dated the 25th April 1944, re-enacted permanently by *ibid.*

⁴ These words were inserted by Local Administration Department Notification No. 1172, dated the 17th November 1941, published at page 868 of Part I-A of the *Fort St. George Gazette*, dated the 25th November 1941, re-enacted permanently by *ibid.*

⁵ This proviso was substituted by Local Administration Department Notification No. 188, dated the 5th February 1943, published at page 88 of Part I-A of the *Fort St. George Gazette*, dated the 9th March 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948, for the original proviso which was added by section 242 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶ These words were inserted by Health Department Notification dated 27th November 1951 published at p. 286 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 4th December 1951.

⁷ These words were substituted for the words "when such boiling or storage" by *ibid.*

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.
1 ¹	*	*	*
2 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 place set apart for drinking, bathing or washing clothes.	Do.
³ [126-A	...	Obstructing a person in the use and enjoyment of a well, tank, reservoir or waterway referred to in section 126-A.	One hundred rupees.]
129	...	Allowing filth to flow in public road, 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.	Do.
131	(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.
134	(3)	Carrying infected person in public conveyance.	Do.

¹ The item relating to section 102 (1) was omitted by paragraph 121 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The item 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)
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 lime-wash a building.	Do.
¹ [154	(1)	Keeping a dog or pig without licence or contrary to licence.	Ten rupees.]
157	...	Unlawful building of wall or erecting of fence, etc., in or over any public road.	One hundred rupees.
² [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.

¹ This item was inserted by paragraph 121 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² This item was inserted by section 4 (i) 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)
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.
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.	Fifty rupees.
163	(2)	Failure to fence, enclosure, etc., hole or obstruction.	Do.
¹ [163-A	(1)	Planting of trees without permission on any public road or other property vested in a ² (district board).	Two hundred rupees.]
¹ [163-A	(2)	Felling, etc., without permission of trees growing on public road or other property vested in a ² (district board).	Do.]
164	(2)	Failure to remove any building, etc., on land vested in ² (district board).	Two hundred rupees.
³ [*	*	*
⁴ [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.
⁵ [*	*	*
171	...	⁶ [Opening a new private market or continuing to keep open a private market without licence or contrary 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.

¹These items were inserted by section 243 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

²These words were substituted for the words "local board" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

³The entries relating to section 166 were omitted by section 7 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

⁴This item was inserted by section 4 (2) of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

⁵The item relating to section 170 was omitted by section 243 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁶The entries in columns (3) and (4) were substituted for the original entries by section 243(v), *ibid.*

ORDINARY PENALTIES—*cont.*

Section.	Sub-section or clause	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
185	...	Using any public place or roadside as a landing or halting place, etc., within prohibited distance.	Fifty rupees.
¹ [187	* ...	* [Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	* Two hundred rupees].
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.	Do.
212	(8)	Failure to produce licence on request.	Five rupees.
229	...	Obstructing or molesting a ² (district board) etc.	Fifty rupees.
230	...	Removal of notice exhibited by or under orders of a ³ (district 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.

¹ The item relating to section 186 was omitted by section 243 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² The entries in columns (3) and (4) were substituted for the original entries by section 243 (vii), *ibid.*

³ These words were substituted for the words "local board" by paragraph I of Schedule V to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
129	...	Allowing filth to flow in public roads, etc.	Do.
¹ [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.	Ten rupees.
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.
148	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Ten 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 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 lime-wash building.	Do.
² [154	(1)	Keeping a dog or pig without licence or contrary to licence.	Two rupees.]
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.

¹ This item was inserted by section 244 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

² This item was inserted by paragraph 122 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section.	Sub-section or clause	Subject.	Daily fine which may be imposed
(1)	(2)	(3)	(4)
163	(1)	Unlawful making of hole or placing obstruction in public road.	Ten Rupees.
164	(2)	Failure to remove any building, etc., on land vested in ¹ (district board).	Fifty rupees.
² [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 unlicensed 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.
187	(1)	Keeping open a private cart-stand ³ [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.

⁴[SCHEDULE X***].

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¹ These words were substituted for the words "local boards" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

² The entries relating to section 166 were omitted by section 7 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

³ These words were substituted for the words "without a licence" by section 244 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

⁴ Schedule X was omitted by section 245, *ibid.*

I N D E X

VOLUME II.

PART III—(contd.)

Unrepealed Madras Acts—(contd.)

SHORT TITLE.	PAGE
Koooodaalmanickam Devaswom Act, 1918	1
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ERRATA

Madras Code, Volume II.

- Page 62—In section 53 (1), proviso, for “specias” read “special”.
- Page 65—(i) In section 55-A (1), for “Vancancies” read “Vacancies”;
(ii) In the marginal note to section 56-A, for “case of in” read “in case of”.
- Page 67—In section 57 (1), for “institution for” read “institution or”.
- Page 78—In section 90 (b), for “toher” read “other”.
- Page 86—In foot-note 12, for “Act of XXI 1993” read “Act XXI of 1939”.
- Page 91—In foot-note 3, omit “*ibid*”.
- Page 116—In section 169 (5), Explanation (f) (ii), for “public baths.” read “public baths.”.
- Page 117—In section 171, for “wthin” read “within”.
- Page 144—In section 248 (1) (a), for “any” read “and”.
- Page 153—In section 257-L, for “hnts” in the fifth line read “huts” and for “coroporation” in the seventh line, read “corporation”.
- Page 161—In section 259 (2), for “commisosiner” read “commissioner”.
- Page 163—In section 262 (3) (b), for “permision” read “permission”.
- Page 168—In section 274 (3), for “prohibitroy” read “prohibitory”.
- Page 174—In section 285-C (4), for “language or” read “language of” and for “of” in the fifth line read “or”.
- Page 187—In the marginal note to section 309, for “poulter’s” read “poulterer’s”.
- Page 189—In section 313, after “under” insert “the”.
- Page 210—(i) In section 358 (1), for “cuncillor” read “councillor”.
(ii) In the margin of section 359, for “Acts” read “Act”.
- Page 226—In section 392, in the sixth line, for “of” read “or”.
- Page 247—In rule 9 (4), for “repute” read “reputed”.
- Page 261—In rule 4 (g), for “fathing” read “bathing”.
- Page 263—In rule 6 (g), for “any restrictions” read “and restrictions”.
- Page 270—For “Combustibles” read “Comestibles”.
- Page 280—In the entries in column (3) relating to section 262 (3), for “Failre” read “Failure”.
- Page 310—In section 35 (2) (c), for “tansferred” read “transferred”, for “or of” read “or is” and for “or is” read “or of”.
- Page 315—In section 44 (2) (p), for “4^a” read “42”.
- Page 335—In section 3 (11), for “buildings” read “building” and in foot-note 2, for “4 of 9” read “4 of ”.
- Page 336—In section 3 (18), for “chaird” read “chairs” and for “uses” read “used”.
- Page 340—In section 5 (2), after “as they” insert “may”.
- Page 342—In foot-note 3, omit the comma occurring after “Madras” and after foot-note 9, add the following foot-note:—
“10. The words “in this Act” were inserted by section 7 (i) (b) *ibid*”.
- Page 345—(i) In section 12 (7), for “divi-sional” read “divisional”, for “there under” read “thereunder” and for “and chairman of the member” read “member and chairman of the”.
(ii) In the marginal note to section 12-B, after “vice-chairman” insert “or”.
- Page 346—In section 13-B, after “to the [State Government]” insert “or by the”.

- Page 347—In section 16, in the second line for “to the” read “of the” and for “of the” in the third line read “to the”.
- Page 351—In section 24, for “number of member” read “number of members”.
- Page 358—In section 38-A, for “and terms” read “and the terms”.
- Page 378—In foot-note 4, for “was were” read “was”.
- Page 386—In section 77 (4), for “be without” read “be withdrawn from”.
- Page 397—In section 88 (4) (a), for “liability” read “liability”.
- Page 404—In foot-note 6, for “1939” read “1930”.
- Page 409—In section 109 (b), insert the words occurring after “chambers” as a separate paragraph.
- Page 424—In section 151 (1), for “be” read “the”.
- Page 447—In section 222 (1), for “prevert” read “prevent”.
- Page 450—In foot-note 2, for “1922” read “1929”.
- Page 457—In section 249 (1), for “or the” read “of the”.
- Page 465—In section 262 (1), for “psreon” read “person”.
- Page 470—(i) In section 270-D (2), for “heat” read “beat”.
- (ii) In section 270-E (2), for “as cart-stand” read “as a cart-stand”.
- Page 472—In section 272 (2), for “by-law” read “by-laws”.
- Page 478—In section 294, for “dangerous disease” read “a dangerous disease”.
- Page 481—In section 303 (1), for “inconsistant” read “inconsistent”.
- Page 483—In section 303 (2) (s), for “costs” read “cost”.
- Page 484—In section 306 (1), omit “with”.
- Page 493—In foot-note 3, for “sub-section 130 (i)” read “section 130 (i)”.
- Page 527—In rule 16 (2), proviso, for “bears the” read “bears to the”.
- Page 533—In rule 27, for “⁵[executive authority]” read “¹[executive authority]”.
- Page 538—In rule 34, for “be be found” read “be found”.
- Page 539—In rule 36-A, for “purchase” read “purchase”.
- Page 540—In rule 38 (a), for “lightings” read “lighting”.
- Page 562—Against section 234, for “train” read “trim”.
- Page 569—For “(29) Periyakulom” read “(29) Periyakulam”.
- Page 609—Insert “Madras Act V of 1920” now occurring against clause (ix) and “Madras Act IV of 1919” now occurring against clause (x-a), against clause (x).
- Page 615—In section 40, for “effect” read “affect”.
- Page 616—In section 45 (2), second proviso, for “³[Statement]” read “²[State Government]”.
- Page 636—In foot-note 1, for “clause 4” read “clause (7) by”.
- Page 657—In foot-note 4, for “for the words “a servant of the Crown” read “for the words “an servant of the Crown”.
- Page 675—In section 55 (2) (cc), for “parctitioner” read “practitioner”.
- Page 778—In foot-note 3, for “III” read “111”.
- Page 782—In section 227 (1), after “authority of” insert “a”.
- Page 791—In rule 7, for “and” read “any” and for “one-thiry” read “one-third”.
- Page 802—In rule 32 (2), for “nptice” read “notice”.
- Page 815—In rule 4 (1), for “juridiction” read “jurisdiction”.
- Page 817—In foot-note 1, after “of” insert “Schedule IV to”.
- Page 818—In foot-note 1, after “of” insert “Schedule IV to”.
- Page 821—In foot-note 1, for “section 24a (i)” read “section 242 (ii)”.
- Page 825—In the entries relating to section 163 (2), for “enclosure” read “enclosur”.

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