

Madras District Boards Act, 1920

14 of 1920

[04 January 1921]

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Madras District Boards Act, 1920

14 of 1920

[04 January 1921]

PREAMBLE

An Act to consolidate and amend the law relating to ²[District Boards].

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 :--

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 X of 1951 (not printed in the Wade).

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

PART 1 PRELIMINARY

CHAPTER 1 PRELIMINARY

1. Title :-

This Act may be called "The Madras ¹(District Boards) Act, 1920."

1. 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).

2. Repeal of enactments :-

The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof.

3. Definitions :-

In this Act unless there is anything repugnant in the subject or context--

¹[* * * * *]

Anglo-Indian

¹[(1) Anglo-Indian shall have the same meaning as in clause (2) of Article 366 of the Constitution;]

Appoint

²[(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;

3[* * * *]

3[* * * *]

Casual vacancy Casual election

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 ;]

Company

5[(6) company means a company as defined in the Indian Companies Act, 1913 (Central Act VII of 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;]

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 by the notifications, if any, issued under sub-section (3) of the same section;]

District board,

8[(7-A) district board means the body constituted for the local administration of a district under sub-section (1) of section 6;]

European

8[(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 **9**[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

8[(7-C) executive authority means the president;]

11[(7-D) * * * *]

12[(8) * * * *]

Indian Christian

13[(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 (Madras Act IV of 1911), and all persons farming the land revenue under Government; **14**[] and all holders of land under ryotwari Settlement, or in any way subject to the payment of land revenue direct to Government, and all registered holders of land in proprietary right;

Latrine

(10) latrine includes privy, water-closet and urinal;

15[(10-A) * * * * *];

Local Authority

16[(10-B) local authority includes a cantonment authority;]

Non-panchayat Area

17[(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 (Madras Act X of 1950);]

17[(12) * * * * *]

Nuisance

(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;

Ordinary Vacancy

18[(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;

Owner

(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;

Palanquin

(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;

Panchayat

19[(15-A) panchayat means a panchayat constituted under the Madras Village Panchayats Act, 1950 (Madras Act X of 1950);]

Panchayat

19[(15-B) panchayat area means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 (Madras Act X of 1950);]

Prescribed

(16) prescribed means prescribed by the **20**[State Government] by rules made under this Act;

Private road

(17) private road means any street, road, square, court, alley, passage or riding-path which is not a public road , but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of such premises;

Public road

(18) public road means any street, road, square, court, alley, passage or riding-path, **21**[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 **22**[return to such house] at any time and has not abandoned his intention of returning;

Revenue district

23[(19-A) revenue district means any local area which for the purposes of revenue administration is, under the charge of a district collector, after excluding therefrom all areas included in--

(a) the City of Madras including Fort St. George with the glacis;

(b) municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920);

(c) cantonments constituted under the Cantonments Act, 1924 (Central Act II of 1924); **24**[]

25[(19-B) * * * * *]

25[(19-C) * * * * *]

Salary

(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 traveling expenses;

Scheduled Castes

26[(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;]

Sub-landholder

27[(21) sub-landholder means a person not being a landholder who--

(a) (i) holds any portion of any estate consisting of one or more revenue villages on an 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;

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 (Madras Act II of 1894), and the word proprietor means a proprietor as defined in that Act.]

28[(21-A) * * * * *]

28[(21-B) * * * * *]

Tenant

(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 ease may be;

29[(23) * * * * *]

year

(24) year means the financial year.

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 (Amend ment) 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).

8. 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.

9. 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).

10. 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).

11. This clause was omitted by paragraph 2 (ii), *ibid*.

12. This clause was omitted by *ibid*.

13. This clause was inserted by section 3 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

14. 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.

15. This clause was omitted by the Adaptation Order of 1937,

16. This clause was inserted by section 3 (vii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

17. Clause (II) was substituted by paragraph 2 (ii) of Schedule IV of the Madras Village Panchayats Act, 1950, (Madras Act X of 1950) for clauses (II) and (12) as substituted for the original clauses (II) and (12) by sections 3 (viii) and 3 (ix), *ibid*.

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

19. 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*

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

21. 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).

22. These words were substituted for the words " return thereto " by section 3 (xiii) of *ibid*.

23. This clause was inserted by section 2 (ii) (a) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

24. 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.

25. Clauses (19-B) and (19-C) were omitted by paragraph 2 (iv) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

26. 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).

27. 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).

28. 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).

29. This clause was omitted by paragraph 2 (iv) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

PART 2 ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT BOARDS

CHAPTER 2 DISTRICTS

3A. Districts :-

¹[(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 ²(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 ²(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 ²(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 ³(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 ²(State Government) may, by notification, declare which officer shall be considered to be the district collector in respect of that district for the purposes of this Act.]

⁴[4 * * * * *].

⁵[5 * * * * *]

1. This section was inserted by section 3 (ii) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

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 "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.

4. Section 4 was omitted by section 4 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

5. This section was omitted by paragraph 4 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

CHAPTER 3 CONSTITUTION AND CONTROL OF DISTRICT BOARDS

4. xxx xxx xxx :-

xxx xxx xxx

5. xxx xxx xxx :-

xxx xxx xxx

6. Establishment of district boards and their incorporation :-

(1) There shall be constituted for each district, a district board¹[....]²[.....]

³[(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 ⁴(district board) shall ⁵[be a body corporate] ⁶[by the name of the revenue district ⁷(. . .) or the name of the district, ⁸(. . .) ⁹(), specified in the notification under section 3-A, ¹⁰(. . .) ¹¹(.)] shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by ¹²[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.

1. 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).

2. 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).

3. This sub-section was substituted by paragraph 5 (ii) *ibid*, for subsection (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).

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. 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).

6. 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).

7. 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)

8. The word " taluk " was omitted by ibid,

9. The words "or village " were omitted by paragraph 5 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

10. 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).

11. 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).

12. These words were inserted by section 5 (iii) (ft) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

7. Strength of district boards :-

¹ [²[The total number] of members of a district board shall not exceed 52 or be less than 24.]

1. 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),

2. 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).

8. All members of district boards to be elected :-

¹[All the members of every ²(district board) shall be elected in the manner laid down in this Act.]

1. 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).

2. These Words Were substituted for the Words "local board" by paragraph 1 of Schedule IV 10 the Madras Village Panchayats Act, 1950 (Madras Act X of 1950),

9. Reservation of seats on district boards for certain communities and for women :-

¹[(1) In any district board, the ²(State Government) may, ³(.....) by notification., from time to time, reserve seats for

⁴[(a)] ⁵(Members of the scheduled castes),

⁴[(b)] Anglo-Indians, or

⁴[(c)] Women

and determine the number of such seats.)

⁶[(2) * * * *]

⁷[(3)] The total number of seats reserved in any ⁸[district board] under subsection (1) ⁹[] shall not exceed one-fourth of the strength, fixed for the ⁸[district board] under section 10.

¹⁰[(3-A).....]

⁷[(4) No seat shall be reserved in any district board for any of the communities mentioned in ¹¹[clauses (a) and (b)] of sub-section (1), ¹²[* * *] if at the last census such community constituted more than one-half of the total population of the district ¹³[* * * *]

⁷[(5)] In reserving seats in any ⁸(district board) for any community, the ¹⁴[State Government] shall have due regard to its number and importance.

⁷[(6)] Nothing contained in ¹⁵[this section] shall be deemed to prevent members of any community or women for whom seats have been reserved in any ⁸(district board), from standing for election to the non-reserved seats in the ⁸(district board).

1. 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).

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 " in their discretion were omitted by the Adaptation Order of 1937

4. Clauses (a), (b) and (d) were omitted and clauses (c), (e) and (f) were retextured as clauses (a), (b) and (c) by section 3 (i) of the Madras District Boards (Amendment) Act, 1951 (Madras Act XXI of 1951).

5. 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).
6. This sub-section was omitted by paragraph 7 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).
7. 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).
8. 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).
9. The word, brackets and figure " or (2) " were omitted by paragraph 7 (ii), *ibid*.
10. 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).
11. 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).
12. 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).
13. The words " or taluk as the case may be " were omitted by *ibid*.
14. The words " Provincial Government" Were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.
15. 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).

10. Determination of number of members of district boards

:-

¹[(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.]

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

11. Election and term of office of members of district boards

:-

³[⁴[(1) The term of office of the members of every ²(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 ¹(State Government) may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any ²(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 ²(district board) shall be filled at ordinary elections which shall be fixed by the prescribed authority to take place ⁵[on such day or days within three months before the occurrence of the vacancies], as he thinks fit :

Provided that the ¹[State Government] may, for sufficient cause, direct or permit the holding of any ordinary election ⁶[after the

occurrence of the vacancy;]

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 prescribed authority shall give effect to such direction.]

(3) A member of a ²(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 ²(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 ⁹[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 ²(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.]

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. 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).

4. 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).

5. 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*.

6. These words were substituted for the words "after the end of

September "by section 2(iii), *ibid.*

7. This proviso was added by section 3 (iv) 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 expression was inserted by section 2 (iv) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act, XIII of 1935).

11A. Procedure where no member is elected at an election :-

²[(1) If at an ordinary or casual election to : a ¹(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.

(2) If at such fresh election no member is elected, the ¹(district board) may, in the manner prescribed, elect a qualified person to fill the vacancy.

(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.]

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 11 and 11-A were substituted for original section 11 by section 9 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

12. Presidents and vice-presidents of district boards :-

²[Every ¹(district board) shall elect one of its members to be its president, and another member to be its vice-president.]

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).

12A. Procedure when no president or vice-president is

elected at an election :-

¹[If at an election held under section 12, no president or vice-president is elected, a fresh election shall be held.]

1. 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).

13. Omitted :-

¹[* * * * *]

1. Sections 13 and 14 were omitted by section 11, ibid.

14. Omitted :-

¹[* * * * *]

1. Sections 13 and 14 were omitted by section 11, ibid.

15. Vacancy in the office of president and vice-president :-

²[(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 ³[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 ³(any panchayat) in the district.]

²[(3)] An outgoing president or vice-president of a ¹[district board] shall, if otherwise qualified, be eligible for re-election ⁴[].

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 (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.

3. 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).

4. 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. Resignation of members, vice-president and president :-

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).]

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 Board; (Amendment) Act, 1930 (Madras Act XI of 1930).

17. Filling up of vacancies :-

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 ²[. . . .] ³[in the manner laid down in this Act.]

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 " or appointed " were Omitted by section 14, ibid.

3. These words were substituted for the words " in the same manner as hi predecessor was elected " by section 14, ibid.

18. Omitted :-

¹[* * * * *]

1. Section 18 was omitted by section 15, *ibid*.

19. Elections and appointments to be notified :-

The election ²[] of a president, vice-president, ³[] or member of a ¹(district board) shall be notified in the proscribed manner.

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 " or appointment " were omitted by paragraph 9 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. The words " temporary president" were omitted by *ibid*.

20. No member to receive remuneration :-

No member of a ¹(district board) shall ²[receive or be paid from the funds at the disposal of or under the control of such board any salary or other remuneration for services rendered by him in any capacity whatsoever.]

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 "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).

21. Omitted :-

¹[²(* * * *)]

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. This section was omitted by paragraph 10(1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

21A. Functions of president of district board :-

¹[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.]

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

21B. Functions of executive authority of district board :-

¹[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 fulfillment of the purposes of this Act.]

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

21C. Omitted :-

¹(* * * * *)].

1. This section was omitted by paragraph 10(1), *ibid*.

21D. Functions of district board president and executive authority to be mutually exclusive :-

¹(It shall not be lawful--

²[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;]

³[(2) * * * * * .]

⁴[(3) * * * * *]

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. The brackets and figure " (1)" were omitted by paragraph 10(2).
ibid.

3. This clause was omitted by Hid.

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).

22. Emergency powers of executive authority :-

²[Exercise of presidents functions during vacancy in office.--

(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.

³(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.

³[(b) * * * * *]

(3) The meeting for the election of a president referred to in subsection (2) shall be convened only after giving a notice to the

members of not less than fifteen clear days ⁴[. . .]

⁵[(4) * * * * *]

Explanation.-- A new president or vice-president shall be deemed to have assumed office on his being declared elected as such.]

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 inserted by section 18 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

4. 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*.

5. This sub-section was omitted by paragraph 11 (iii), *ibid*.

22A. Exercise of presidents functions during vacancy in office :-

²[(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.

³(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.

³[(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 ⁴[. . .]

⁵[(4) * * * * *]

Explanation.-- A new president or vice-president shall be deemed

to have assumed office on his being declared elected as such.]

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 inserted by section 18 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

4. 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*.

5. This sub-section was omitted by paragraph 11 (iii), *ibid*.

23. Delegation and devolution of functions by president :-

¹[(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 presidents 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 ⁸(. . .)] 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 subsection 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

⁹[(iii) every order made under this sub-section shall be communicated to the board at its next meeting].

¹⁰[(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.]

Exercise of delegated functions subject to presidents control and revision.

¹¹[(5) The exercise or discharge of any ¹²[functions] delegated ¹³[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, ¹⁴[The president shall also have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) ¹⁵(. . . .)].

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).

8. 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).

9. 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).

10. 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).

11. 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).

12. 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).

13. 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).

14. This sentence was added by section 20 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

15. 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).

1948).

24. Omitted :-

1[* * * * *]

1. 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).

25. Omitted :-

1[* * * * *]

1. 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).

26. Right of individual members :-

(1) Any member of a **1**(district board) may call the attention of the **2**(executive authority) to any neglect in the execution of **1**(district board) work, to any waste of **1**(district board) property, or to the wants of any locality **3**(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 **1**(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 **1**(district board) after giving due notice to the **2**(executive authority), provided that the **2**(executive authority) may, for reasons given in writing, forbid such access.

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 ActIX of 1948).

3. 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).

27. Power of district board to call for records :-

(1) A ¹(district board) may require the ²(executive authority) to produce any ³[. . . .] document which is in his custody.

(2) The ²(executive authority) shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the 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 ⁴[refer the question to the State Government whoso decision shall be final].

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 ActIX of 1948).

3. The words "record, correspondence, plan or other" were omitted by section 21(1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. 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).

27A. Constitution of standing committees for district boards :-

¹[(1) In each district board, there shall be standing committees respectively for--

(i) Education,

²[* * * * *]

²[(ii)] Public Health, and

²[(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 ³(State Government).

(2) In addition to the ⁴[three standing committees referred to] in sub-section (1), a district board shall, if so required by the ³(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 ³(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 ³(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 ³(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:

⁵[* * * * *]

(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 ⁶[.....] they shall not have the right to veto at such meeting.

(c) Each standing committee shall elect its own chair-man 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.]

1. This section was inserted by section 11 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).
2. 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).
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 " four standing committees referred to" by paragraph 16 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).
5. This proviso was omitted by paragraph 16 (iii) (a) *ibid*.
6. 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).

28. Constitution of committees of district boards :-

¹[(1) (a) ²[Subject to the provisions of section 27-A a ³(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 ³(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 ³(district board) shall, by virtue of his office, be a member and the chairman of every committee constituted under sub-section (1).

(3) It shall be lawful for a ³(district board) by & resolution supported by not less than one-half of its sanctioned strength to elect as members of any committee constituted under subsection (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.

⁴[(4) * * * * *]

1. 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).

2. 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).

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. 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).

29. Application of Act to members of standing and other committees who are not members of the district board :-

²[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.]

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 inserted by section 13, *ibid*.

30. Appointment of joint committees :-

²[(1) A ¹(district board) 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 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.

(6) If the ³(State Government) take action under subsection (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 ³(State Government) whose decision shall be final.]

⁴[(8) The powers of the ⁵(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.]

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 substituted for the original section by section 23 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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

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

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

31. Rules and regulations for proceedings of district boards and standing committees :-

XXX XXX XXX

32. Presidency of district board meetings :-

(1) Every meeting of a ¹(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.

(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 ²[and during the period that he presides over it,] have all the powers of the president.

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 25 of the Madras Local Boards, (Amendment) Act, 1930 (Madras Act XI of 1930).

33. Omitted :-

¹[* * * * *]

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).

34. Member when to abstain from taking part in discussion and voting :-

(1) No member of a ¹(district board) ²[or of a ³(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 ⁴[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 ⁵[by himself or his partner].

(2) The president ⁶[or chairman] may prohibit any member from voting or taking part in the discussion of any matter in which he believes ⁷[such member] to have such interest, or he may require ⁷[such member] to absent himself during the discussion.

(3) ⁸[Such member] may challenge the decision of the president ⁹[or chairman], who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president ¹⁰[or chairman] is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, the president ¹⁰[or chairman] may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

¹¹[(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).]

¹²Explanation.--In this section president includes a vice-president or member presiding for the occasion at a meeting of a ¹³(district board) and chairman includes a member presiding for the occasion at a meeting of a ¹⁴(standing or other committee).]

1. These words Were substituted for the words "local board" by paragraph 1 of ibid.

2. These words were inserted by section 27 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930),

3. 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).

4. 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).

5. These words were added by section 27 (i) (c), ibid.

6. These words were inserted by section 27 (ii), *ibid*.
7. These words were substituted for words " such person " by section 27 (ii), *ibid*.
8. These words were substituted for the words " Such person " by section 27(111) (a), *ibid*.
9. These words were inserted by section 27 (iii) (b), *ibid*.
10. These words were inserted by section 27 (iv), *ibid*,
11. This sub-section was inserted by section 27 (v), *ibid*.
12. 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).
- 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 " committee " by section 15(2) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

35. Acts of district boards, etc., not to be invalidated by informality, etc :-

²[No act of a ¹(district board) or of a ³(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.]

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 substituted for the original section 35 by section 28 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3 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).

36. Submission of annual reports :-

²[(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 ¹[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.

(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. 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 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).

37. Inspecting and superintending officers of district boards :-

¹[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[* * * * *]

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 I 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.

37A. Powers of entry of inspecting officers :-

¹[Any officer or person whom the ²[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 ³(district board) or ⁴(executive authority);

(b) any school, hospital, dispensary, vaccination station, Choultry or other institution maintained by, or under the control of, any ²(district board) and any records, registers or other documents kept in such institution; and

(c) the office of any ³(district board) and any records, registers or other documents kept therein.]

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" or "local boards", as the case may be, by paragraph I 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).

37B. Access of inspecting officers to district board property, etc :-

¹[²(District boards) and their presidents, ³(*) 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 ²(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. These words were substituted for the words "local board" or "local boards", as the case may be, by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. 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.)

37C. Power to call for reports from, district boards :-

¹[The ²[State Government], or any officer or person whom the ²[State Government] may empower in this behalf may--

(a) call for any record, register or other document in the possession or under the control of any 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 ³[district board] or ⁴(executive authority) any observations they or he may think proper in regard to its or his proceedings or duties.]

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).

37D. Omitted :-

¹[²(* * * * *)]

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. This section was omitted by paragraph 21 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

38. Power to suspend or cancel resolution, etc., under Act :-

²[(1) The ¹[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, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that nothing in this sub-section shall enable the 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 subsection (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 subsection (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 Collectors 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.]

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 38 by section 31 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930),

39. Extraordinary powers of district collector :-

²[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 (Central Act IX of 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)].

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 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).

40. Control over electrical undertakings of district boards :-

²[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 (Central Act IX of 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)].

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 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).

41. State Governments power to take action in default of a district board or president :-

(1) If at any time it appears to the ¹[State Government] that a ²[district board] or its president ³(* * *) has made default in performing any duty imposed by or under this or any other Act ⁴(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.

(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 from the ⁵[district fund,] within such time as they may fix, to such person by the ²[district board].

(3) If expenses which the ¹[State Government] have directed under sub-section (2) to be paid from the ⁵[district 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 ⁵[district fund] to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(4) Such person shall, so far as the funds to the credit of the ²[district board] admit, be bound to comply with such order.

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 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).

3. The words "or executive authority" which were inserted by section II 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).

4. These words were inserted by paragraph 22 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

5. These words were substituted by paragraph I, *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).

42. Omitted :-

¹[* * * * *]

1. This section was omitted by paragraph 21, *ibid*.

43. Power of State Government to remove president or vice-president of district board :-

²[(1) The ³[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 ⁴[including his powers as executive authority ⁵(* * *)].

(2) The ³[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 ³[State Government] for the action taken].

⁶[(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 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

2. 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).

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 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).

5. 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).

6. This sub-section was added by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XI of 1939).

44. Motion of no-confidence in president or vice-president

:-

¹[(1) Subject to the provisions of this section, a motion expressing want of confidence in the president or in the vice-president of a district board ²(.....) may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion in such form as may be fixed by the 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 Collector⁷(....) 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 Collector⁶(....) under sub-section (5).

(5) If the Collector⁸(.....) finds that he will be unable to preside at the meeting, he may after recording his reasons in writing adjourn the meeting to such other time as he may appoint. The date so appointed by him shall not be later than thirty days from the date fixed for the meeting under sub-section (3). Notice of not less than ten clear days shall be given to the members of the time appointed for the adjourned meeting.

(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 ³[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 ³[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. 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*.

45. Dissolution and reconstitution of district board :-

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:

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 their places at casual vacancies shall ¹¹(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 ¹²[of its president ¹³(including his powers and duties as executive authority)] may be exercised and ¹⁴[discharged], as far as may be and to such extent as the ²[State Government] may determine, ¹⁵[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 ¹⁶(district fund).

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*.

11. 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).

12. 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).

13. 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).

14. 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).

15. These words were substituted for the words "by such persons" by *ibid*.

16. 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).

45A. Omitted :-

1[* * * *]

1. 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).

45B. Devolution of assets and liabilities of dissolved district board :-

¹[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.]

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.

46. Powers of officers acting for, or in default of, district board, and liability of district fund :-

³When the District Collector or person appointed by the ²[State Government] lawfully takes action on behalf, or in default, of a ¹(district board) under this Act, he shall have ⁴[all such powers] as are necessary for the purpose, and shall be entitled to the same protection under this Act as the ¹(district board) ⁵[or] its officers or servants whose powers he is exercising, and compensation shall be recoverable from the ⁶(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 ¹(district board), ⁵[or] its officers or servants.

³[(2) * * * *]

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. Sub-section (2) of section 46 was omitted and sub-section (1) thereof was re-numbered as section 46 by paragraph 27, *ibid*.

4. 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). 4

5. This word was inserted by section 39(i)(b), *ibid*.

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 XI of 1950)

CHAPTER 4 ELECTION AND APPOINTMENT OF MEMBERS OF DISTRICT BOARDS

47. Election of members of district board :-

¹[(1) For the purpose of election of members to a district board, the ²[State Government] after consulting the district board shall, by notification--

(a) divide the district into circles;

(b) determine the circles in which the seats, if any, reserved under sub-section (1) of section 9 shall be set apart; and

(c) declare for whom such seats are reserved.

(2) The circles referred to in clause (b) of sub-section (1) shall return, in addition to members of such reserved seats, one or more members for non-reserved seats. The number of such members shall be notified by the ²[State Government]. ³[Each of the other circles shall return such number of members (whether one or more) as may be notified by the ²[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

²[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.]

1. 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).

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 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).

48. Omitted :-

¹[* * * *]

1. This section was omitted by section 23 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

49. Omitted :-

¹[* * * *]

1. This section was omitted by paragraph 28 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

50. Omitted :-

¹[* * * *]

1. This section was omitted by section 43 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

51. Qualifications for inclusion in electoral roll for district

21. Qualifications for inclusion in electoral roll for district board and publication thereof :-

¹[(1) Every person ²[whose name is included in such part of the electoral roll for any Assembly constituency as relates to the district or any portion thereof] shall be entitled to be included in the electoral roll for the ³(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 ⁴[in the case of any Assembly constituency, there is no distinct part of the electoral roll relating to & district, all persons whose names are entered] in such roll under the registration area comprising that ⁵(district) and whose addresses ⁶[as entered in such roll] are situated in such ⁵(district) shall be entitled to be included in the electoral roll for the ³(district board) prepared for the purposes of this Act.

Explanation (2).--No persons name shall be included in the electoral roll for a ³(district board) in more than one place.

⁷[(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 Act, 1950 (Central Act XLIII of 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.]

(3) The electoral roll for a district board shall be divided into separate parts for each circle ⁸[...].

⁹[(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, ¹⁰[or the limits of the district are varied] the proscribed authority shall, in order to give effect to the alteration of the circles, ¹⁰[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 ¹¹(State) Government may direct.

⁹[(b) * * * *]

(5) The electoral roll for the ¹²(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 **12**(district board) under subsection (2).

(6) Every person whose name appears in the electoral roll for the **12**(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.

13[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 (Central Act XLIII of 1950)*, for the purpose of elections to the Madras Legislative Assembly.)]

1. 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).

2. 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 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. 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).

4. 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.

5. 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).

6. 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.*

7. 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.

8. 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).

9. Clause (b) of sub-section (4) was omitted and clause (a) thereof was re-numbered as sub-section (4) by paragraph 29(v), *ibid.*

10. 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).

11. The word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

12. 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).

13. 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.

* See now the Delimitation Commission Act, 1952 (Central Act LXXXI of 1952).

52. Power to correct electoral roll :-

¹[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.]

1. This section was substituted for original section 52 by section 3(2), *ibid*.

53. Disqualifications of voters :-

¹[Notwithstanding anything contained in ²[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 ³(district board).]

1. 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).

2. 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).

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).

54. Qualifications for election :-

²[(1) No person shall be qualified for election to any seat on a ¹(district board), unless the name of such person appears on the electoral roll of that board:

³(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 (Madras Act IV of 1919), the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or the Cantonments Act, 1924 (Central Act II of 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.)

(2) No officer of Government other than a village head-man shall be qualified for election or for holding office as a member of a ¹(district board):

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 ⁴(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 subsection, the question shall be referred to the ⁵(State Government) whose decision shall be final.]

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 substituted for the original section 54 by section 47 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

4. 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.

5. The words "Provincial Government" were substituted for the words "Local Government" by *ibid* and the word "State" was substituted for "Provincial" by *ibid*.

55. Disqualifications of candidates for election :-

(1) A person who has been sentenced by a criminal court to transportation, or to imprisonment for a period of more than six months ¹[for any offence other than an offence of a political character or an offence not involving moral delinquency] (such sentence not having been reversed or the offence pardoned), shall be disqualified for election ²[...] as a member of a ³(district board) while undergoing the sentence and for five years from the date of ⁴[the expiration of the sentence].

(2) A person shall be disqualified for ⁵[election] as a member of a ³(district board) if such person is at the date of ⁶[nomination or election]--

⁷[(a)] of unsound mind, a deaf-mute or a leper;

⁷[(b)] ⁸[an applicant to be adjudicated a bankrupt or insolvent or] an uncertificated bankrupt or undischarged insolvent;

⁹[(c) interested in a subsisting contract made with, or any work being done for the ³(district board), except as a shareholder (other than a director) in ¹⁰[a company:]

¹¹[Provided that a person shall not be deemed to have any interest in ¹²[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 ³(district board) is inserted; or

(iv) the sale to the ³(district board) of any articles in which he regularly trades, or the purchase from the ³(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;]

¹³[(cc) employed as paid legal practitioner on behalf of the ³(district board) or as legal practitioner against the ³(district board);]

⁹[(d)] an officer or servant holding office under this Act or an honorary magistrate ¹⁴[with jurisdiction over any part of the are- of the ³(district board);]

⁹[(e)] already a member of the ³(district board) whose term of office will not expire before his fresh election ¹⁵[....] can take effect ¹⁶[or has already been elected a member of the ³(district board) whose term of office has not yet commenced;] ¹⁷[...]

⁹[(f)] ¹⁸[the servant or employer or the official subordinate or official superior of a member holding office at the said date;] ¹⁹[or (g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the ³(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 ²⁰[State Government] may direct that such sentence shall not operate as a disqualification.

1. These words were inserted by section 48(i)(a) of the Madras

Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. The words "or appointment" were omitted by section 48(i)(b), *ibid*.

3. These words were substituted for the words "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 "expiration of the sentence" by section 48(i)(c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

5. This word was substituted for the words "election or appointment" by section 48(ii)(a), *ibid*.

6. These words were substituted for the words "nomination, election or appointment" by *ibid*.

7. Clauses (i) to (vi) were lettered as clause (a) to (f) respectively by section 48(ii)(b), *ibid*.

8. These words were inserted by section 48(ii)(c), *ibid*.

9. 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).

10. 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).

11. The proviso to sub-section (2) was inserted as a proviso to clause (c) as subsequently lettered by section 48(ii)(e), *ibid*.

12. These words were substituted for the words "such a contract or work as aforesaid" by *ibid*.

13. This clause was inserted by section 48(ii)(f), *ibid*.

14. 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*.

15. The words "or appointment" were omitted by section 48(ii)(h), *ibid*.

16. These words were inserted by *ibid*.

17. 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. I) Act, 1948 (Madras Act VII of 1948).

18. This clause was substituted for clause (f) as lettered by section 48(ii), *ibid*.

19. 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).

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

56. Disqualifications of members :-

(1) Subject to the provisions of section 57, a member of a ¹(district board) shall cease to hold his office, if he--

(a) is sentenced by a ²[criminal] court to such punishment ³[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 ⁴[clause (c) of sub-section (2) of section 55], acquires any interest in any subsisting contract made with, or work being done for, the ¹(district board) except as a shareholder (other than a director) in ⁵[a company;] ⁶[....]

⁷[(dd) is employed as paid legal practitioner on behalf of the ¹(district board), or accepts employment as legal practitioner against the ¹(district board);]

⁸[(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 ¹(district board);]

(f) accepts employment under ⁹[or becomes the official subordinate of] any other member;

¹⁰[(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;] ¹¹[]

¹²[(gg) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the ¹(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 ¹(district board) to serve at the earliest possible date) has been duly served upon him by the ¹³(executive authority); or]

¹⁴[(h) absents himself from the meetings of the ¹(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:

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 ¹⁵[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) ¹⁶[or under section 59], he shall be restored to office for such portion of the period for which he was elected ¹⁷[...] 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 ¹⁵[State Government]. And any person elected ¹⁷[....] to fill the vacancy in the interim shall, on such restoration, ¹⁸[vacate office].

¹⁹[(4) Where a person ceases to be a member under clause (h) of sub-section (1), the ²⁰[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.]

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 inserted by section 49(i)(a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
3. These words were inserted by *ibid*.
4. This expression was substituted for the words and figures "section 55, sub-section (2)" by section 49(i)(b), *ibid*.
5. These words were substituted for the words "an incorporated company" by section 49(i)(b), *ibid*.
6. 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*.
7. This clause was inserted by section 49(i)(c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
8. This clause was substituted for the original clause (e) by section 49(i)(d) of Madras Act XI of 1930, *ibid*.
9. These words were inserted by section 49(i)(e), *ibid*.
10. 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 (g) by section 49(i)(f) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
11. 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).
12. This clause was inserted by section 3(ii)(b), *ibid*.
13. 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).
14. 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).
15. The words "Provincial Government" were substituted for the

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

16. These words and figures were inserted by section 49(ii)(a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

17. The words "or appointed" were omitted by section 49(ii)(b),
ibid

18. These words were substituted for the words "vacate the office" by section 49(ii)(c), ibid.

19. This sub-section was substituted for the original sub-section (4) by section 49(iii), ibid.

20. 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).

57. District Judge to decide questions of disqualification of members :-

(1) Whenever it is alleged that any person who has been elected ¹[....] as member of a ²(district board) is disqualified under ³[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 ⁴[under section 56 or section 59,] such member or any other member may, and the ⁵[executive authority] at the request of the ²(district board) shall apply to the district judge of the district in which the area of the ²(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 ⁶[sub-section (1) of section 54, section 55, section 56 or section 59,] and his decision shall be final.

⁷[(3) Pending such decision, the member shall be entitled to act as if he were not disqualified.]

1. The words "or appointed" were omitted by section 50(i)(a) 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 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).
4. These words and figures were inserted by section 50(i)(c), *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 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).
7. 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).

58. Infringement of secrecy of election :-

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.

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59. Person convicted of election offences disqualified for voting and for being elected :-

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 ¹(district board) for a period of five years from the date of his conviction ²[or for such shorter period as the court may by order determine].

³[* * * * *]

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 51(i), *ibid*.
3. The proviso to the section was omitted by section 51(ii), *ibid*.

CHAPTER 4A MAINTENANCE OF ORDER ON ELECTION DAY AND REQUISITIONING OF PROPERTY FOR ELECTION PURPOSES

59A. Prohibition of public meetings on the election day :-

¹[(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 subsection (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

1. This chapter was inserted by section a of the Madras District Board (Second Amendment) Act, 1904 (Madras Act XXII of 1954).

59B. Officers, etc., at elections not to act for candidates or to influence voting :-

(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.

59C. Prohibition of canvassing in or near polling stations :-

(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

(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 subsection (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.

59D. Penalty for disorderly conduct in or near polling stations :-

(1) No person shall, on the date or dates on which a poll is taken at any polling station,--

(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.

59E. Penalty for misconduct at the polling station :-

(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.

(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.

59F. Removal of ballot papers from polling station to be an offence :-

(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.

59G. Requisitioning of premises, vehicles, etc., for election purposes :-

(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 subsection (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.

59H. Payment of compensation :-

(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:--

- (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.

59I. 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.

59J. Powers of entry into and inspection of premises, etc :-

(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.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 59-G.

59K. Eviction from requisitioned premises :-

(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.

(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.

59L. Release of premises from requisition :-

(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.

(2) Where the person to whom possession of any premises requisitioned under section 59-G is to be given under subsection (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.

59M. Delegation of functions of the State Government with regard to requisitioning :-

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.

59N. Penalty for contravention of any order regarding requisitioning :-

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 5 POWERS OF DISTRICT BOARD\$N RESPECT OF PROPERTY AND ESTABLISHMENT

60. Vesting of public roads and their appurtenances in district boards :-

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 works, materials and things appertaining thereto, shall vest in the ⁶(district board) ⁷(.....).

(3) The ⁸(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.

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 subsection (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*.

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. The words "in which the public road vests" were omitted by paragraph 31, *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.

60A. Duty of district board in respect of public roads excluded from the operation of the Act :-

²[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 ³(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 ⁴(district fund), to such extent as the ³(State) Government may by general or special order, direct,--

⁵[(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:

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.]

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.

4. These words were substituted for the words "local fund" by Madras Act X of 1950), *ibid*.

5. 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).

60B. Compulsory transfer to Government of rest-house, travellers, bungalow, etc., vesting in district board :-

²[(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 (Central Act I of 1894), in so far as they can be made applicable to the case.

(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.

(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.]

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.

61. Collected sewage, etc., to belong to district boards :-

All rubbish, sewage, filth and other matter collected by a ¹(district board) under this Act shall belong to such ¹(district board).

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).

62. Transfer of immovable property from district board to a panchayat :-

The district board may, subject to such control as may be prescribed, by notification, declare that any immovable property ¹(vested in itself) shall vest in any ²(panchayat) in the same district, and such property shall, from the date specified in the said notification, vest accordingly.

1. 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)

2. This word was substituted for the words " other local board " by

ibid.

63. Power to transfer to district boards charitable endowments under Madras Regulation VII of 1817 and resume charitable inams :-

²[(1) (a)] Subject to the control of the ³[State Government], the Board of Revenue may, by notification, with the consent of a ¹(district board), make over to ⁴[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 (Madras Regulation VII of 1817); and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to ⁴[the district board] as if it had been specially named in the said regulation, and the ¹(district board) shall manage ⁵[and superintend] such endowment.

⁶[(b) ⁷(The Board of Revenue shall, if so directed by the ⁸(State) Government, by notification, resume of the management and superintendence of any endowment made over to a ¹(district board) under clause (a); and upon such resumption, all the powers and duties attaching to the ¹(district board) in respect of the endowment shall cease and determine.]

(2) The ⁹[State Government] or such other authority as they may empower in this behalf may, with the consent of a ¹(district board), assign to such ¹(district board) a charitable inam resumed by them or ¹⁰[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 ¹(district board) may be applied ¹¹[and may revoke any assignment so made].

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 (1) of section 63 was lettered as clause (a) of that sub-section and clause (4) 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).

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 "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).

5. These words were inserted by section 53 (i) (6) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

6. 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).

7. 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. 1) Act, 1948 (Madras Act VII of 1948).

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

9. 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.

10. 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).

11. 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).

64. Limitation of power to accept property in trust :-

A ¹(district board) may accept trusts relating exclusively to the furtherance of ²[any purpose] to which its funds may be applied.

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 "the purposes" by section 4 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

65. Transfer of institutions, works, etc. to panchayat :-

¹[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.]

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).

65A. Omitted :-

¹[²(* * * * *)].

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. Sections 65-A and 65-B were omitted by paragraph 34, *ibid*.

65B. Omitted :-

¹[²(* * * * *)].

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. Sections 65-A and 65-B were omitted by paragraph 34, *ibid*.

65C. Governments power to add to functions of district boards :-

¹[The ²[State Government] may, with the consent of a ³(district board) make over to the ³(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.]

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. 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).

66. Immovable property required by district boards may be acquired under the Land Acquisition Act, 1894 :-

Any immovable property which any ¹(district board) is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act I of 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 ¹(district board).

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).

67. Officers and servants of district board :-

²[(1) The sanction of the ¹(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.

(2) Such proposals shall be taken into consideration by the ¹(district board) only at the instance of its ³(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.]

⁴[(3) Notwithstanding anything contained in subsections (1) and (2), the ⁵(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 ⁵(State Government).]

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 substituted for the original section 67 by section 56 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. This sub-section was added by section 30 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

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.

68. The district engineer and health officer :-

²[(1) Every district board shall, if so required by the ¹[State Government], sanction ³[one or more posts of district engineer], ⁴[and one or more posts of district health officer].

(2) The salaries of those officers shall be fixed by the district board subject to the approval of the ⁵[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:

⁶(Provided that nothing contained in this sub-section shall be deemed to prevent the appointment of the same person as district engineer ⁷[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 ⁵(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 ⁸(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)].

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 68 by section 57 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

4. 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.*

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 31 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

7. 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).

8. These words were inserted by section 31 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

69. Filling up of the above appointments :-

(1) On the occurrence of a vacancy in, or after the creation of, an office of district engineer ¹[or district health officer,] an appointment shall be made thereto by the ²(executive authority) of the district board, 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 ²(executive authority) of the district board not being confirmed by the ³[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 ³[State Government].

(2) In default of an appointment being made by the ²(executive authority) of the district board 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 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.

1. 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).

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

69A. Appointment of educational officer or other agency for management of elementary schools, etc :-

²[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.]

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 32 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

69B. Omitted :-

¹[* * * * *]

1. 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).

69C. Appointment of Electrical Engineer for district boards

:-

¹[(1) The ²(State) Government may appoint an electrical engineer to any district board ³[.....] which has undertaken the generation, transmission or supply of electrical energy.

(2) The ²(State) Government may recover from the ⁴(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 ²(State) Government may by general or special order determine.

(3) The ²(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).]

1. This section was inserted by section 3 (iii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act XVIII of 1938).

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

3. The words "or panchayat" were omitted by paragraph 38 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).

70. Filling up of appointments other than those of district engineer and health officer :-

²[Excepting the district engineer ³(and the district health officer) all officers and servants of a ¹(district board) shall be appointed by the ⁴(executive authority) in accordance with ⁵[any rules (including rules for the representation of different communities) which the ⁶(State Government) may have made in this behalf]:

Provided that in case of emergency--

(a) the ⁴(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

¹(district board); and

(b) every appointment made under clause (a) shall be reported by the ⁴(executive authority) to the ¹(district board) at its next meeting.]

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 substituted for the original section 70 by section 59 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 and the district panchayat officer" by paragraph 39 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. 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).

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

70A. Power of State Government to transfer officers and servants of district boards :-

¹[(1) Notwithstanding anything contained in this Act, ²(the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or the Madras Village Panchayats Act, 1950 (Madras Act X of 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 (Madras Act V of 1920) ⁵[or of any panchayat constituted under the Madras Village Panchayats Act, 1950 (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).]

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.*

71. Power of district board to frame service regulations :-

²[Subject to the ³[provisions of this Act and of any rules which the ¹[State Government] may make] in this behalf, the district board may frame regulations in respect of officers and servants ⁴[on its staff]

⁵[.]

⁶[(a) fixing the grades and scales of salaries, fees and allowances;]

⁷[(b)] fixing the amount and nature of the security to be furnished;

⁷[(c)] laying down educational or other qualifications;

⁷[(d) regulating the grant of leave, leave allowances; ⁸[acting allowances and travelling allowances;]

⁷[(e)] regulating the grant of pensions and gratuities;

⁷[(f)] fixing the rates at which and the conditions under which
⁹[pensionary contributions shall be paid;]
⁷[(g)] establishing and maintaining provident funds and making contribution thereto compulsory;
⁷[(h)] regulating conduct; and
⁷[(i)] generally laying down conditions of service; Provided that--
 (i) the amount of any leave,
¹⁰[leave allowances, travelling allowances, pension or gratuity provided for in such regulations] shall in no case, without the special sanction of the ¹[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.

¹¹[(2) * * * * *]

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-section (2) of section 71 was omitted and sub-section (1) thereof was re-numbered as section 71 by paragraph 41, *ibid*.

3. These words were substituted for the words and figures "provisions of sections 68 and 78 and any rules made by the Local Government" by section 60 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. 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).

5. 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).

6. 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).

7. Original clauses (a) to (A) 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).

8. These words were substituted for the words "and acting allowances" by section 60(iii), *ibid*.

9. These words were substituted for the words "contributions towards pensions may be paid" by section 60 (iv), *ibid*.

10. These words were substituted for the words "and leave allowances, gratuity or pension granted under these regulations" by section 60 (v), *ibid*.

11. 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).

72. Power to punish district board officers and servants :-

Subject to the provisions of section 74 and to such control as may be prescribed, the ¹(executive authority) of a ²(district board) may ³[censure, fine, withhold promotion from,] reduce, suspend, remove or dismiss any officer or servant of the ²(district board) ⁴[in its service,] except the district engineer ⁵[or the district health officer,] for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct:

⁶[Provided that a fine shall not be imposed on any officer or servant of a ²(district board) unless he is a bill-collector or the holder of a post which is classified by the ⁷(State) Government as inferior or menial.]

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 word "fine" by section 61 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. These words were inserted by section 61 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

5. 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).

6. 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. 1) Act, 1948 (Madras Act VII of 1948).

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

73. Power to grant leave to officers and servants of district boards :-

¹[The ²[State Government] may grant leave to the district engineer, ³(and the district health officer) and the ⁴(executive authority) of the district board may grant leave to all other officers and servants of the district board.

¹[(2) * * * * *]

1. 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).

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 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).

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).

73A. Power of State Government to appoint district

engineers and health officers :-

²[Notwithstanding anything contained in this Act--

(a) the ¹[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;

(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).]

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 2 of the Madras Local Board (Third Amendment) Act, 1933 (Madras Act XVIII of 1933).

73B. Power of State Government to regulate conditions of service, etc., of educational officer, etc :-

²[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-A ³(. . . .) .]

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).

73C. Appointment of District Engineer of Highways Department to perform certain functions under the Act :-

¹[Notwithstanding anything contained in this Act, the ²[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, subsection (1),]

1. 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.

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

73D. 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 :-

¹[Every district board shall pay to the ²(State) Government in each year such contribution as they may, by general or special order, determine towards--

(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

(ii) the expenses incurred by the officers and servants referred to in clause (i) on account of contingencies and the like.]

1. 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.

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

74. Government Servants employed by district boards :-

(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

(b) in any other case, without the consent of the ⁹[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.

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.

74A. Provincialization of any class of officers or servants of district boards :-

³[(1) Notwithstanding anything contained in this Act, the ²[State Government] may, by notification, constitute any class of officers or servants of ¹[district boards] into a ⁴(separate service) for the Presidency of Madras:

Provided that no notification shall be issued under this sub-section-

(i) unless all the ¹(district boards) concerned have been consulted in respect thereof; and

(ii) unless a majority of the ¹(district boards) 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 201-A, to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the ⁵[.....] 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. 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).

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 64 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. 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).

5. 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).

PART 3 FINANCE

CHAPTER 6 TAXATION

74B. Land-cess :-

¹[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]

1. This section was inserted by section 65 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

74C. Duty on transfers of property :-

¹[In every districts, duty shall be levied ²(in all non-panchayat areas) on certain transfers of property in accordance with the provisions hereinafter contained in this Act.]

1. 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).

2. These words were inserted by paragraph 46 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

75. Taxes :-

¹[(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.]

²[(2) * * * * *]

³[(3)] Save as otherwise expressly provided by this Act--

(a) ⁴(the profession tax) ⁵[.....] may be levied at different rates in different portions of a district; ⁶[and]

(b) any resolution ⁷[of the district board] abolishing an ⁸(existing profession tax) ⁹[.....] or reducing the rate at which ¹⁰(a profession tax) ⁹[.....] is levied shall be immediately ¹¹[reported to the ¹²(State Government)] and ¹³(if the district board has an outstanding loan), such abolition or reduction shall not be carried into effect without the sanction of the ¹²[State Government].

¹⁴[(4) Where a resolution under sub-section (1) ¹⁵(.....) has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution ¹⁶(.....) so far as that year is concerned shall without the sanction of, or a direction from, the ¹²[State Government], be taken into consideration by the district board ¹⁷(.....)].

1. This sub-section was substituted for the original sub-section (1) by paragraph 47(i), *ibid*.

2. 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).

3. 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).

4. 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).

5. The words "and tolls" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

6. This word was inserted by section 66(iii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

7. These words were inserted by section 66(iii) (b), *ibid*.

8. 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).

9. The words "or toll" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

10. 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).

11. 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).

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.

13. 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).

14. This sub-section was inserted by section 66(iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

15. 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).

16. The words "or notification" were omitted by *ibid*.

17. The words "or panchayat, as the case may be" were omitted by ibid.

76. Pilgrim tax :-

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.]

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.

76A. Saving for certain provisions of the Constitution :-

¹[Notwithstanding anything in the foregoing provisions of this Part of this Act a ²(district board) shall not, after the commencement of ³(the Constitution), have power to levy any tax which the ⁴(State)

Legislature has no power to impose in the ⁵(State) under ⁶(the Constitution):

Provided that a ²(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 ⁷(Parliament by law).]

1. This section was inserted by the Adaptation Order of 1937.

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 "Part III of the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

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

5. This word was substituted for the word "Province" by *ibid*.

6. These words were substituted for the words "that Act" by the Adaptation (Amendment) Order of 1950.

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

77. Resolution and notification regarding levy of taxes :-

¹[²[(1)] Any resolution of a district board determining to levy any tax ³[.....] under subsection (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.

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[subsection (1)] and contained in such resolution.

²(* * * * *).]

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).

78. Land-cess :-

¹[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 ²(two annas) in the rupee of the annual rent value of all such lands in the district.]

1. This section was substituted for original section 78 by section 69 of the Madras Local Boards (Amendment) Act, 1930 "(Madras Act XI of 1930).

2. 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.

79. Annual rent value of lands how fixed :-

¹[The annual rent value shall, for the purposes of section 78, be calculated in the following manner:--]

(i) In the case of lands held direct from Government on ryotwari tenure or on lease or licence, ²[.....] the assessment, lease amount, royalty or other sum payable to Government for the ³[lands,] together with any water-rate which may be payable ⁴[for their irrigation,] shall be taken to be the annual rent value ⁵[.....]

(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.

6[(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.]

⁶[(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 ⁷[or sub-landholder] has obtained under the provisions of sections 30(iii) and 33 of the Madras Estates Land Act, 1908 (Madras Act I of 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. 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).

2. 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.

3. 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).
4. These words were substituted for the words "for its irrigation" by *ibid*.
5. The words "of such lands" were omitted by section 70(ii) (b), *ibid*.
6. Clauses (iii) and (iv) were substituted for original clauses (iii) and (iv) by section 70(iii), *ibid*.
7. These words were inserted by section 70(v), *ibid*.

80. Certain landholders and sub-landholders to furnish lists of their lands to district collector :-

¹[(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.]

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 (Madras Act II of 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):

⁵provided 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 subsection (1) shall specify--

(i) in the case of lands held by a sub-landholder under him, the kattubadi, jodi, poruppu or quit-rent payable to him by such sub-landholder; and

(ii) in the case of any other lands occupied by the landholder, the annual rent value thereof exclusive of the water-rate, if any, payable by his tenants direct to Government.

(b) The list furnished by the sub-landholder under sub-section (1) shall specify the annual rent value of the lands occupied by him, exclusive of the water-rate, if any, payable by his tenant direct to Government.

(3) When two or more persons hold a revenue village or villages jointly, the landholder or sub-landholder shall, for the purpose of sub-sections (1) and (2), be the person who is recognized by the other joint holders as the senior joint holder or who, in case of dispute, is recognized by the district collector as such.]

1. This 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*.

81. District collector to assess cess according to lists, if they are correct :-

¹[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.]

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).

82. Penalty for failure to furnish such lists :-

¹[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 days 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, ²(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.]

1. This section was substituted for original section 82 by section 73 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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).

83. District collector may fix the annual rent value :-

If no such list be furnished by ¹[a landholder or sub-landholder] ²(in respect of any one or more of the three fasli years preceding the triennium) within one month from the expiration of the ³[period of six months referred to in section 82,] the district collector shall himself fix the annual rent value of the ⁴[lands of such landholder or sub-landholder] ⁵[for the triennium].

1. 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).

2. 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)

3. 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).

4. These words were substituted for the words "lands held by such

landholder as aforesaid" by ibid.

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).

84. Power of district collector to summon parties :-

The district collector may take steps in the manner provided by the Madras Revenue Summonses Act, 1869 (Madras Act III of 1869), for ascertaining the correctness of any list furnished in compliance with a requisition made under section 80 or where ¹[such list] shall not have been furnished ²[for any of the three fasli years proceeding the triennium], for fixing the annual rent value as provided in ³[section 83,] anything in the Madras Karnams Regulation, 1802 (Madras Regulation XXIX of 1802) to the contrary notwithstanding and he may depute any of his officers to make such inquiries as may be necessary.

1. 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).

2. 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).

3. 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).

85. Power of district collector to amend lists and assess land-holder or sub-landholder according to lists as amended :-

¹[(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.

(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. 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).

86. Appeal to Board of Revenue :-

(1) An appeal shall lie to the Board, of Revenue from ¹[any assessment made by the district collector under subsection (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 subsection (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.

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*.

87. Land-cess to be entered in pattas of ryotwari lands :-

In the case of ¹[lands held] on ryotwari tenure, the amount of the land-cess payable by the landholder shall be entered in his patta.

1. These words were substituted for the words "land held" by section 78, *ibid*.

88. Payment of land-cess by landholders and sub-landholders :-

¹[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 light of occupancy as an intermediate landholder on an under tenure created, continued or recognized by a landholder or sub-landholder, it shall be lawful for the landholder or sub-landholder to recover from such intermediate landholder the whole of the cess paid by the landholder or sub-landholder in respect of lands held by such intermediate landholder less one-half the cess assessable on the amount of any kattubadi, jodi, poruppu or quit-rent payable by such intermediate landholder to the landholder or sub-landholder :

Provided also that, in the case of lands occupied by tenants, it shall be lawful for the landholder, sub-landholder or any other intermediate landholder, as the case may be, to recover from his tenant one-half of the amount payable by such landholder, sub-landholder or intermediate landholder in respect of the lands so occupied.]

1. This section was substituted for original section 88 by section 79, *ibid*.

89. Powers of landholders :-

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.

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 (Madras Act I of 1908), shall, so far as may be, be applicable thereto.]

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*.

90. Remission of land-cess on permanently settled revenue payable to Government :-

Every landholder ¹[to whom clause (iii) of section 79 applies] shall be entitled to a remission of one-half of the ²[cess] payable by him on so much of the ³[.....] annual rent value of his land as is equal to the amount of the permanently settled revenue payable by him to Government in respect of such land:

Provided that the amount recoverable by such landholder from his tenants under the second proviso to section 88 shall be calculated upon the whole amount which would have been payable by him to

Government if no such remission had been allowed.

1. 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*.
2. This word was substituted for the word "tax" by *ibid*.
3. The word "whole" was omitted by section 81(ii), *ibid*.

91. Recovery of arrears of cess :-

¹[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 (Madras Act II of 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.]

²[.....].

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).

92. Apportionment of land-cess :-

¹[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.]

1. 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).

93. Profession tax :-

¹[(1) If the district board by a resolution determines that a profession tax shall be levied in any ²(non-panchayat area)-- every company which, after the date specified in the notification published under ³[sub-section (2) of section 77], transacts business in such ²(non-panchayat area) for not less than sixty days in the aggregate in any half-year; and every person who, after the said date, in any half-year--

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

(i) within such ⁴(non-panchayat area) for not less than sixty days in the aggregate, or

(ii) without such ⁴(non-panchayat area), but who resides in it for not less than sixty days in the aggregate; or

(b) resides in such ⁴(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 (Madras Act IV of 1919), or the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 (Madras Act II of 1924), for the same half-year to any ⁵(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 ⁵(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 ⁶(State Government) shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the ⁶(State Government) shall be final:]

⁷[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 ⁸(State) Government shall be subject to the concurrence of the Central Government.]

1. Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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).

3. 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*.

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 were substituted for the words "local board" by paragraph 1, *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 inserted by the Adaptation Order of 1937.

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

94. Liability of members of firms, associations and joint Hindu families to profession tax :-

¹[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.]

1. Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

94A. Liability of servants or agents to profession tax :-

¹[(1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any ²(non-panchayat area), such company or person shall be deemed to transact business in the ²(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.]

1. Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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).

95. Omitted :-

¹[²(* * * * * .)].

1. Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. This section was omitted by paragraph 52, ibid.

96. Service of notice on failure of payment of tax :-

¹[If the profession tax due from any company or person is not paid,

the ²(executive authority) of the ³(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.]

1. Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 I of Schedule IV to the Madras Panchayats Act, 1950 (Madras Act X of 1950).

96A. Statements, returns, etc., to be confidential :-

¹[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. 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).

97. Notice to owner or occupier to furnish list of persons liable to tax :-

The ¹[²(executive authority) of the ³(district board)]] may be 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.

⁶[.....]

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 I 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).

98. Omitted :-

Omitted

99. Omitted :-

Omitted

100. Omitted :-

Omitted

101. Omitted :-

Omitted

102. Omitted :-

Omitted

103. Omitted :-

1[* * * * *]

2[.....]

1. 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).

2. 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).

104. Omitted :-

Omitted

105. Omitted :-

Omitted

106. Omitted :-

Omitted

107. Omitted :-

Omitted

108. Omitted :-

Omitted

109. Omitted :-

1[* * * *]

1. 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).

110. Levy Pilgrim tax :-

1[(1) Where a local area is resorted to by pilgrims and the occasions for pilgrimage occur at intervals of years or only once or twice in a single year, a tax on persons leaving such area or its neighbourhood by railway shall be levied only for a specified period in respect of each such occasion. Where occasions for pilgrimage are more frequent or a place of pilgrimage is one of perennial resort, the tax may be levied throughout the year.

(2) The occasion and the period of levy of the tax shall, in

consultation with the railway administrations concerned and with the previous approval of the ²(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 date and during the period specified in the notification published under, ³[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:--

	Tax.					
	For limited periods.			Throughout the year.		
(1)	(2)			(3)		
	RS.	A.	P.	RS.	A.	P.
For first-class tickets.	0	8	0	0	4	0
For second-class tickets.	0	4	0	0	2	0
For intermediate-class tickets.	0	3	0	0	1	6
For third-class tickets.	0	2	0	0	1	0

Provided that the rates leviable on season tickets, if any, shall be determined by the district board in consultation with the railway administrations concerned but shall not for a period of one month or any less period exceed six times the rates given in column (2) of the above table.

⁴[(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 ⁵[State Government] may make rules not inconsistent with this Act for regulating--

(i) the collection of the tax,

(ii) the payment thereof to the ⁶[district board or panchayat] concerned,

(iii) the deduction of any expenses incurred by railway administrations in the collection thereof, and

(iv) the decision of disputes--

(a) between ⁷[district boards or panchayats] and between ⁷[district boards or panchayats] and other local authorities; and

(b) ⁸[.....] between ⁷[district boards or panchayats] and railway administrations in matters connected with the levy, collection or apportionment of the tax :]

⁹[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.]

1. This section was substituted for the original section no by section 99 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. 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).

4. This sub-section was inserted by paragraph 54(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. 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).

7. 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).

8. The words "with the previous sanction of the Government of India" were omitted by the Adaptation Order of 1937.

9. This proviso was substituted for the original proviso by the Adaptation (Amendment) Order of 1950.

110A. Method of assessment of duty on transfers of property :-

²[Method of assessment of duty on transfers of property

²[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 (Central Act II of 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 ³[in any non-panchayat area] under the jurisdiction of a

⁴[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.
(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. 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).

2. 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).

3. 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).

4. These words were substituted for the words "local board" by paragraph I, *ibid*.

110B. Provisions applicable on the introduction of transfer duty :-

¹[On the introduction of the transfer duty--
(Central Act II of 1899)

(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;

(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.]

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. I) 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 I, ibid.

110C. Power to make rules regarding assessment and collection of transfer duty :-

¹[The ²[State] Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the ³[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. I) Act, 1948 (Madras Act VII of 1948).

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

3. 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 1950).

111. Power to exempt from taxes :-

¹[Exemption and waiver.]

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.)]

1. This heading was inserted by section 100(x) 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(i) 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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

111A. Power to write off irrecoverable taxes, etc :-

XXX XXX XXX

CHAPTER 7 GENERAL PROVISIONS RELATING TO FINANCE

112. Purposes to which district funds may be applied :-

(1) The purposes to which the moneys received under this Act may be applied are, in general, everything necessary for, or conducive to, the safety, health, convenience or education of the inhabitants, or the amenities of the local area concerned and everything incidental to the administration and include in particular--

(i) the construction, repair and 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 ²[the ¹(district board)];

(iii) the construction and maintenance of hospitals, dispensaries, poor houses, orphanages, choultries, markets, ³[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 ¹[district board];

(vii) the payment of any amounts falling due on any loans legally contracted by ⁴[the district board];

(viii) the payment of sums falling due under any decree of a court and of refunds sanctioned by the ¹[district board];

(ix) other measures of local public utility ⁵[(including agricultural, industrial or trading concerns)] calculated to promote the safety, health, comfort or convenience of the people:

⁶[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.]

(2) The funds of a ¹[district board] shall be applicable to the purposes mentioned in sub-section (1) within the ⁷[district], subject to the rules in Schedule V and any further rules which may be prescribed; and shall ⁸[subject as aforesaid] be applicable to such purposes outside the ⁹[district] if the expenditure is authorized by this Act or is specially sanctioned by the ¹⁰[State Government].

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 "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).

3. These words were inserted by section 101(i) (J) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
4. 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*.
5. These words and brackets were inserted by section 101(i) (d) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
6. This proviso was added by paragraph 57(i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).
7. This word was substituted for the words " area of the local board " by paragraph 57 (ii), *ibid*.
8. These words were inserted by section 101 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
9. 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).
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.

113. Construction and maintenance of railways, tramways, etc :-

- (1) ²[.....] A district board may--
 - (a) ³[with the previous sanction of the ⁴(State) Government and of ⁵(....) the Central Government] construct and maintain within, or partly within and partly without, ⁶[the district] a railway under the provisions of any law for the time being in force relating to the construction and maintenance of railways;
 - (b) subscribe to any debenture loan raised ⁷[by the Central or the ⁴(State) Government] or by any local authority or by any ⁸[company as defined in, the Indian Companies Act, 1913* (Central Act VII of 1913)], for the construction or maintenance of any railway which, in the opinion of the board, is likely to be of benefit to the district;
 - (c) guarantee the payment from the district fund of such sums as it shall think fit as interest on capital expended on any such railway.

(2) With the previous sanction of the ¹[State Government], a district board may, in all or any of the above ways, construct or maintain or assist the construction or maintenance of a tramway, rope-way, motor omnibus or other transport service within, or partly within and partly without, ⁹[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 ¹⁰[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.

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 Government of India " were omitted by the Adaptation Order of 1937.

3. These words were inserted by *ibid*.

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

5. The words " the Federal Railway Authority or " Were omitted by the Adaptation (Amendment) Order of 1950.

6. 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).

7. These words were substituted for the words "by the Government of India " by the Adaptation Order of 1937.

8. 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).

9. 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).

10. 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)j *ibid*.

114. Constitution of district fund :-

There shall be constituted for each district a district fund, ¹[....]
²[.....].

1. The words "for each taluk a taluk fund " were omitted by section 37 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

2. 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).

114A. Omitted :-

¹[*****]

1. This section was omitted by section 38 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

115. Receipts and charges of the different classes of district funds :-

The rules embodied in Schedule V regarding ¹[the charges to be debited to, and the receipts to be placed to the credit of ²(district funds)] and regarding the administration of those funds, shall be read as part of this chapter.

1. 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).

2. 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).

116. Preparation and sanction of budgets :-

(1) The ¹[executive authority] of each ²[district board] shall in each year frame, and place before ³[the district board], a budget showing the probable receipts and expenditure during the following

year.

⁴[(2) ⁵[The district board] shall sanction the budget with such modifications, if any, as it thinks fit.]

⁵[(3) * * * * *]

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 I 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 " 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.

4. 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).

5. 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).

117. Submission of consolidated budget to Government and their control :-

(1) The district board shall, ¹[in each year not later than such date as may be fixed in this behalf by the ³(State Government)] submit to the ²[State Government] ³[its budget] for the following year ⁴[.....].

(2) If such ⁵[. . .] budget fails to provide for the due discharge of all liabilities in respect of loans contracted by ⁶[the district board] or for the maintenance of a working balance, the ²[State Government] may direct that ⁷[any part of the budget shall be so modified] as to ensure that such provision is made.

1. 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).

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 "a consolidated budget" by paragraph 61 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

4. The words " of itself and of all panchayats in the district" were omitted by *ibid*.

5. The word " consolidated " was omitted by paragraph 61 (ii), *ibid*.

6. These words were substituted for the words " any local board " by *ibid*.

7. 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).

118. Omitted :-

¹[* * * *]

1. This section was omitted by paragraph 62 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

119. Revised or supplemental budget :-

If in the course of a year a ¹[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 submitted in the manner provided in ²[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 ³[State Government.]

1. These words were substituted for the words "local board" by paragraph I, *ibid*.

2. 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).

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.

120. Appointment of auditors of accounts :-

The ¹[State Government] shall appoint auditors of the accounts of ²[the receipts and expenditure of every (district fund)]. Such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(Central Act XLV of 1860)

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 " receipts and expenditure of the local fund " by section no of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

121. Contributions to expenditure by other local authorities :-

(1) If the expenditure incurred by the ¹[State Government] or by any other ³[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 ⁴[of the district or any part thereof], the ³[district board] may, with the sanction of the ¹[State Government], make a contribution towards such expenditure.

(2) The ¹[State Government] may direct a ³[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 ³[district board] fails to show cause within the said period to the satisfaction of the ²[State Government] the ¹[State Government] may direct it to make such contribution as they shall name, and it shall be paid accordingly.

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 " receipts and

expenditure of the local fund " by section no of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. These words were substituted for the words " local board " by ibid.

4. These words were substituted for the words "of a local board area" by paragraph 63, ibid.

121A. Recovery of loans and advances made by the State Government :-

³[Notwithstanding anything contained in the Local Authorities Loans Act, 1914(Central Act IX of 1914), the ¹[State Government] shall be entitled to recover in the manner provided by subsection (3) of section 41 of this Act or by suit, any loan or advance made to any ²[district board] for any purpose to which the funds of the said board may be applied under 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. These words were substituted for the words " receipts and expenditure of the local fund " by section no of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. This section was inserted by section III of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

PART 4 PUBLIC HEALTH, SAFETY AND CONVENIENCE

CHAPTER 8 PUBLIC HEALTH

121B. Provisions of chapter except sections 137, 138 and 139 not to apply to panchayat areas :-

¹[Application of chapter to panchayat areas.]

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.]

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).

122. Closing and cleansing of wells, etc :-

¹[The ²(executive authority) of a ³(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 ²[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 ²[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 :

Provided that in the case of private streams, channels, tanks, wells or other places mentioned in this section, the water of which is used for drinking by the public or any section of the public by right, the expenses incurred in the closing or the fencing of such well, tank or reservoir shall be ⁴[paid by the ³(district board) from the ⁵(district fund)].

1. These words were substituted for the words "The president of the taluk board in no. 1-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).

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 ActIX of 1948).

3. 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).

4. 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).

5. These words were substituted for the words" village fund " by ibid.

123. Filling in of pools, etc., which are a nuisance or may prove dangerous to public health :-

(1) If in the opinion of the ²[³(executive authority) of a ¹(district board)]--

(a) any tank, well, pond, pool, ditch, beg, 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 ⁴[prove injurious to health or offensive to the neighbourhood] by becoming a breeding place of mosquitoes, or in any other manner, he may, ⁵[. . .] by notice require the owner ⁶[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 ⁷[any person] on whom such notice is served delivers to the ³[executive authority] within the time specified for compliance therewith, written objections to such requisition, the ³[executive authority] shall report on such objections to the ⁸[district board] and shall not institute any prosecution for failure to comply with such requisition except with the approval of the ⁹[district board]. The ³[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 ¹⁰[decision of the ⁹(district board)]. The ¹¹[district board] shall decide, in every such case, whether the cost of the work executed shall be paid by the owner or the ¹²[district board] or shall be shared and, if so, in what proportion.

1. 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).

2. 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).

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 "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).

5. The words "with the approval of the local board concerned " were emitted by section 113 (i) (c), *ibid*.

6. These words were inserted by section 113 (i) (d), *ibid*.

7. These words were substituted for the words " an owner " by section 113(ii) (a), *ibid*.

8. These words were substituted by paragraph I 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).

9. These words were substituted by paragraph I 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)).

10. These words were substituted for the words "local boards decision" by section 113 (ii) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

11. 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).

12. These words Were substituted by paragraph I 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).

124. Setting apart of public tanks, etc., for certain purposes
:-

¹[(1) (a) The ²(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.

(b) The powers conferred by clause (a) may, in the case of any private spring, tank, well or water-course, be exercised by the ²(district board) with the consent of the owner of such place.

(c) The ²(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.]

(2) The ³[executive authority] of a ⁴[district board], on receipt of a certificate from any medical officer in ⁵[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 ⁶[. . .] 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 boat or drum stating the number of days during which such prohibition shall last. The ³[executive authority] may extend or modify the notice without the production of a further certificate.

1. This sub-section was substituted for original sub-section (I) by section 114 (i) 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. 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 by paragraph I 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).

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. The words " in the village " were omitted by paragraph 65, ibid.

125. Prohibition against using places so set apart for purposes other than those notified :-

No person shall--

- (a) bathe in or defile the water in any place set apart for drinking ¹[or cooking] purposes either ²[by a ³(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 inserted by section 115(i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were substituted for the words " by a taluk or by a union board " by section 115 (ii), *ibid*.

3. These words were substituted for the words " panchayat " by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

126. Maintenance of wells, tanks, etc., by district boards :-

¹[Every ²[district board]--

- (i) shall maintain in a clean 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
- (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].

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 I 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*.

126A. Public wells, etc., open to all persons :-

²[All wells, tanks, reservoirs and waterways referred to in section 126 when maintained by a ¹[district board] shall be open to use and enjoyment by persons of whatever caste or creed.]

1. 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).

2. This section was inserted by section 2 of the Madras Local Boards (Fourth Amendment) Act, 1933 (Madras Act XXIII of 1933).

127. Cleansing of private latrines, etc :-

The ¹[executive authority] of a ²[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 ¹[executive

authority] and on payment of fees at such rate calculated to cover the cost of the service as the ²[district board] may have laid down.

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 117 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

128. Contributions from persons having control over places of pilgrimage, etc :-

¹[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 ²(district) ³(* * *) 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 ²(district) board ⁴(* * * * *) and the ²(district) board ⁵(* * * *) 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 ⁶[State Government] may determine.]

1. This section was substituted for original section 128 by section 118, *ibid*.

2. 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).

3. The words " or village " were omitted by paragraph 67 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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

5. The words " or panchayat" were omitted 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.

129. Prohibition against allowing outflow of filth :-

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 ¹[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 ²[such public road].

1. These words were inserted by paragraph 68 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

2. These words were substituted for the words " a public road " by ibid.

129A. Power to require construction Or removal of private drains :-

A²(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. The heading and section 129-A were inserted by section 119 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were substituted for the word " panchayat" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

130. Definition of dangerous disease :-

Dangerous disease means a disease specified in Schedule VI.

131. Power of entry into suspected places and disinfection of buildings and articles :-

(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.

(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 ¹[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.]

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 I 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*.

132. Executive authority to notify places for washing and

disinfecting :-

(1) ³[The ¹(executive authority) of a ²(district board)] may notify places to which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be removed and at which they shall be washed, disinfected or otherwise disposed of.

(2) The 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.

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 word " panchayat" by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. 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).

133. Prohibition against infected person carrying on occupation :-

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.

134. Persons suffering from dangerous diseases and public conveyances :-

(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 subsection (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.

135. Power to order closure of places of public entertainment :-

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.

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 ActIX 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).

136. Minor suffering from dangerous disease not to attend school :-

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 ³[¹(executive authority) of a ²(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 ¹[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.

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 ActIX of 1948).

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. 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).

137. Compulsory vaccination :-

(1) Vaccination shall be compulsory in any local area to which this Act applies ¹[in respect of such persons and to such extent as may be] prescribed.

(2) The ²[³(district board) and its ⁴(executive authority)] shall, subject to such control as may be prescribed, be responsible for

enforcing vaccination.

1. These words were substituted for the words "to the extent " by section 124(i) *ibid*.
2. 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).
3. 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).
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 ActIX of 1948).

138. Obligation to give information of smallpox :-

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 ³[²(executive authority) of the ¹(district board)] or the village headman concerned with the least practicable delay.

1. 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).
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 ActIX of 1948).
3. 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).

139. Prohibition of inoculation for smallpox :-

- (1) Inoculation for smallpox is hereby prohibited.
- (2) No parson who has undergone the operation of inoculation shall leave the village or town in which he is before the lapse of forty

days from the date of inoculation without a certificate from a medical practitioner of such class as the ¹[district board] 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 " taluk board " by section 43 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

140. Registration of burial and burning grounds :-

(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 ¹[to the district board] to have such place registered.

(2) If it appears to such ²[district board] that there is no owner or person having the control of such place, the ²[district board], shall assume such control and register such place or may ³[* * * * .*] close it.

1. 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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

2. These words were substituted by paragraph I 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).

3. 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).

141. Licensing of places for disposal of dead :-

(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 ¹[district board] on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and

extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the ²[district board] may require.

(3) The ²[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 ³[State Government] may cancel or modify any order passed by a ⁴[district board] under sub-section (3).

1. These words were substituted by paragraph I, *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).

2. These words were substituted by paragraph I 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*.

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 I 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).

142. Provision of burial and burning grounds and crematoria :-

The ¹[district board] may and shall, if no sufficient provision exists, provide at the cost of the ²[district fund] places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

1. These words were substituted by paragraph I 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).

2. These words were substituted for the words " village fund " by paragraph I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

143. A book to be kept of places registered, licensed or provided :-

(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.

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).

144. Prohibition against burying or burning in unauthorized places :-

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 ¹[²(executive authority) of the ³(district board) concerned].

1. 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).

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

145. Notice to be given to district board of burials, etc :-

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 ²[by the ¹(district board) concerned].

1. 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).

2. 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).

146. Prohibition against use of burial and burning grounds dangerous to health or over-crowded with graves :-

(1) If a ¹[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

(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, ²[.....] 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 ³[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 ⁴[State Government] may cancel or modify any notice

issued by a ⁵[district board] under sub-section (1).

1. These words were substituted by paragraph I 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*.

2. 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).

3. These words were substituted for the word " village " by paragraph 71(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 133 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

CHAPTER 9 DANGEROUS STRUCTURES, TREES AND PLACES

147. Precautions in case of dangerous structures :-

(1) If any structure adjoining a ¹[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 ²[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 ²[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 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.

1. 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).

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).

148. Precautions in case of dangerous trees :-

(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, 10p 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, 10p or cut down the said tree or fence off a part of the public road or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner hereinafter provided.

1. 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).

149. Fencing of buildings or lands and pruning of hedges and trees :-

The ²[executive authority] of the ²[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 ¹[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 ¹[executive authority] may determine; or

(c) out 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 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 ActIX of 1948).

2. These words were substituted for the words " local board " by paragraph I of Schedule IV to the MadrasVillage Panchayats Act, 1950 (Madras Act X of 1950).

150. Precautions in case of dangerous tanks, wells, holes, etc :-

(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.

(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 ho thinks fit to prevent danger, and the cost of doing so shall be recoverable from the owner in the manner hereinafter provided.

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 XIX 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).

151. Licence to be obtained for quarrying near public road etc :-

(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, ¹[vested in] or of other immovable property belonging to a ²[district board] without obtaining a licence from the ²[district board] permitting him to do so.

(6) The ²[district board] may either grant or refuse to grant a licence.

³[(c) *****]

(2) If in the opinion of the ²[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 ²[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 74, ibid.

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. Clause (c) was omitted by section 135 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

152. Omitted :-

¹[* * * *]

1. This section was omitted by section 136 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

153. Removal of filth or noxious vegetation from lands and buildings in non-panchayat areas :-

(1) The ¹[executive authority] of a ²[district board] may by notice require the owner or occupier of any building or land ³[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 ⁴[dangerous to the public or] offensive to the neighbourhood, ⁵[or otherwise a source of nuisance] to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth ⁶[or to take such other action as may be deemed by the ¹(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 ¹[executive authority] of a ⁷[district board] necessary for sanitary purposes so to do, he may by notice ⁸[require the owner or occupier of any building or land ³[in a non-panchayat area] to cleanse or limewash the same] in the manner and within a period to be specified in the notice.

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 I 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).

3. These words were inserted by paragraph 75 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

4. These words were inserted by section 137 (i) (b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act, XI of 1930).

5. These words were inserted by section 137 (i) (c), *ibid*.

6. These words were inserted by section 137 (i)(d), *ibid*.

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 " union board

" by section 137 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

8. 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*.

154. Power to destroy stray pigs and dogs :-

(1) ¹[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.

²[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.

1. 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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

2. This paragraph was added by paragraph 76 of Schedule IV to the Madras Village Panchayat Act, 1950 (Madras Act X of 1950).

155. Power of executive authority to Use or sell materials of dangerous structure taken down, etc :-

(1) When the ¹[executive authority] of a ²[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 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.

(2) If after reasonable enquiry 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 immovable property) or of any portion thereof.

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

156. Limitation of compensation :-

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 ¹[district board] in pursuance of their powers under this chapter.

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).

CHAPTER 10 PUBLIC ROADS

157. Prohibition against obstructions in or over public roads :-

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 ¹[vested in a district board] except as hereinafter provided.

1. These words were inserted by paragraph 77 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

157A. Public roads open to all :-

¹[All roads vested in or maintained by the ²(district board) shall be open to persons of whatever caste or creed.]

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 I of Schedule IV to the Madras Village Panchayats Act,

1950 (Madras Act X of 1950).

158. Prohibition against, and regulation of, doors, ground-floor windows and bars opening outwards, etc :-

¹[(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 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 public road.

1. This sub-section was substituted for original sub-section (I) by paragraph 78, *ibid*.

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).

159. Removal of encroachments :-

(1) The ²[executive authority] of a ¹[district board] may ³[. . .] 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 ¹[district board] shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

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 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 " with the approval of the board " was omitted by section 139 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

160. Power to allow certain projections and erections :-

(1) The ²[executive authority] of a ¹[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 stop or drain-covering necessary for access to the premises.

(2) The ²[executive authority] of a ¹[district board] may grant a licence, subject to such conditions and restrictions as he may think fit, for the temporary erection of pandals and other structures in a public road vested in such board or in any other public place the control of which is vested in such board.

(3) The ²[executive authority] of a ¹[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 ³[district board] may fix.

(4) But ⁴[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 ⁵[be injurious to health or] cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The ⁶[State Government] may, by notification, restrict and place under such control as they may think fit, the exercise by any ¹[district board] ⁷[* * * * *] 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 ²[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.

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 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 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).

5. These words were inserted 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.

7. 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).

161. Prohibition of building on sewer, drain, etc., without permission :-

(1) No building shall be erected ²[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 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.

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 ActIX of 1948).

2. These words were inserted by paragraph 80, *ibid*,

162. Notice regarding removal of noxious vegetation, etc :-

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.

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 ActIX of 1948).

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).

163. Prohibition against making holes and causing obstruction in public road :-

(1) No person shall make a hole or cause any obstruction in any public road ²[vested in a district board] unless he previously obtains the permission of the ³[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.

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 ActIX of 1948).

2. These words were inserted by paragraph 81, *ibid*.

3. These words were substituted for the words " executive authority of the local board in which such road is vested " by *ibid*.

163A. Prohibition against planting or felling trees on public roads, etc., without permission :-

¹[(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 ³[executive authority] of the ²[district board] and on such conditions as the ³[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 public road or property except with the previous permission of the ³(executive authority) of the ²(district board) and on such conditions as the ³(executive authority) may impose.]

1. This section was inserted by section 142 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were substituted for the words " local board " by paragraph I 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 ActIX of 1948).

164. Recovery of penalty and compensation for unauthorized occupation of land :-

(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

demande by the ²[district board] by way of penalty; such sum may be recovered in the manner hereinafter provided.

(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.

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 I 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 apart for any other public purpose " by section 143 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

165. Power of district board to recover expenses caused by extraordinary traffic:-

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:

Provided that any person from whom expenses are, or may be, recoverable under this section, may enter into an agreement with the ²[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.

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 I of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

166. Omitted :-

¹[*****]

1. This section was omitted by section 7 (i) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

CHAPTER 11 MARKETS, SLAUGHTER-HOUSES, ETC

166A. Classification of markets as district and panchayat markets :-

¹[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.]

1. This section was inserted by paragraph 82 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

167. Public markets :-

All markets which are acquired, constructed, repaired or maintained out of the ¹[district fund] shall be deemed to be public markets ²[and such markets shall be open to persons of whatever caste or creed.]

1. These words were substituted for the words " local fund " by paragraph I, *ibid*.

2. These words were inserted by section 3 of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

168. Powers in respect of public markets :-

(1) The ¹[district board] may provide places for use as public markets ²[in any non-panchayat area and if specially authorized by the State Government in that behalf in any panchayat area].

(2) Subject to such control as may be prescribed, the ¹[district board] may, in ³[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, weigh-men and measurers practising their calling in such markets.

(3) The ¹[district board] may ⁴[* * * * *] close ⁵[any of its public markets] or part thereof.

1. These words were substituted by paragraph I 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 added by paragraph 83 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. 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).

4. The words " with the sanction of the district board " were omitted by paragraph 83 (iii), *ibid*.

5. These words were substituted for the words "any public markets" by *ibid*.

169. Control of executive authority over public markets :-

(1) No person shall without the permission of the ²[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 ³[any district board public market].

(2) The ²[executive authority] may expel from ³[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 I 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 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 "any public market" by paragraph 84 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

170. Omitted :-

¹[* * * *]

1. This section was omitted by section 146 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

171. Licence for private market :-

¹[(1) No person shall ²[in any non-panchayat area] open a new private market or continue to keep open a private market unless he obtains from the ³[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 ³[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 ³[district board] may think proper, or the ³[district board] may refuse to grant such licence for any new private market. 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 ⁴[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.]

1. This section was substituted for original section 171 by section 147, *ibid*.

2. These words were inserted by paragraph 85 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 I, *ibid*.

4. 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).

172. Procedure for claiming right to levy fees in private markets established prior to 1884 :-

(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(Madras Act V of 1884), fees of the nature specified in ¹[sub-section (2) of] section 168, shall first apply ²[to the district board through its ³(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.]

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 ActIX 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).

173. Right of suit for establishing claim to levy fees :-

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.

174. Fee for licence :-

When a licence granted under section 171 does not permit the levy of any fees, it shall be granted free of charge; but when such permission is given, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year ¹[shall] be charged by the ²[district board] for such licence.

1. This word was substituted for the word " may " by section 149 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were substituted by paragraph I 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).

175. Prohibition of sale in unlicensed private markets :-

It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

176. Powers of district board in respect of private markets :-

The ¹[district board] may by notice require the owner, occupier, or farmer 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] 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 ¹[district board] 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 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.

1. These words were substituted by paragraph I 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).

177. Suspension or refusal of licence for default in complying with notice under section 176 :-

(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.

1. These words were substituted by paragraph I 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).

178. Prohibition against nuisances in private markets :-

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 I 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. Power to close private markets :-

The ¹[district board] or any officer duly authorized by it in that behalf may close any private market--

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.

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).

180. Acquisition of rights of private persons to hold private markets :-

(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 (Central Act 1 of 1894) and such rights shall be deemed to be and for the purposes of that Act.

(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].

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 89, *ibid*.

181. Appeal against orders under section 171 :-

Any person aggrieved by an order of the ¹[district board] under sub-section (3) of section 171 may ²[appeal against such order to the State Government]; and pending the disposal of such appeal ³[the State Government may, if they think fit] suspend the execution of the order appealed against.

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 substituted for the words " appeal against such order to the district board " by paragraph 90, *ibid*.

3. These words Were substituted for the "words " the executive authority of the district board may, if he thinks fit" by *ibid*.

182. Duty of expelling lepers, etc., from markets and power to expel disturbers :-

The person in charge of a market ¹[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 there-from any person who is creating a disturbance therein.

1. These words were inserted by paragraph 91, *ibid*.

183. Prohibition against sale in public roads :-

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.

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*.

183A. Omitted :-

¹[*****]

1. This section was omitted by paragraph 92 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

183B. Decision of disputes as to whether places are markets :-

¹[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 ²[***] ³(district) board concerned shall make a reference to the ⁴[State Government] and the decision of the ⁴[State Government] on the question shall be final.]

1. This section was inserted by section 152 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. The words " panchayat or " were omitted by paragraph 93 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. 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).

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.

184. Provision of public cart-stands :-

(1) The ¹[district board] may construct, or provide, and maintain public landing places, halting places and cart-stands ²[in non-panchayat areas] and may levy ³[. .] fees for the use of the same.

⁴[(1-A) The ⁵[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.]

⁴[(1-B) Any agreement entered into by a ⁵[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 ⁶[in the chief vernacular language of the locality] of any fees prescribed by the ⁷[district board] for the use of such place shall be put up in a conspicuous part ⁸[thereof].

⁹[Explanation.--A cart-stand shall, for the purposes of this Act, include a stand for carriages ¹⁰(including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914)¹¹ and animals.]

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 153 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were inserted by paragraph 94 (1) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. The words "rents and " Were omitted by section 153 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. 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).

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 section 151 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

6. 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).

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 153 (1) (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

8. 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).

9. This Explanation was added by section 153 (2), *ibid*.

10. These words and figures were inserted by Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

11. See now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

185. Prohibition of use of public place Or sides of public road as cart-stand, etc :-

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].

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).

186. Recovery of cart-stand, fees, etc :-

¹[(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 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. This section was substituted for original section 186 by Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act to III of 1931.)

187. Licence for private cart-stand :-

¹[(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.

(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 [. .]

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).

188. Omitted :-

1 [* * * * *]

1. The heading and section 188 were omitted by section 157 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

189. Provision of slaughterhouses :-

(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.

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).

190. District board may prohibit slaughtering, etc. of cattle in places other than public slaughterhouses :-

1[The **2**[district board] may **3**[* * * * *] notify--]

(a) that no person shall, **4**[without or otherwise than in conformity with the written permission] of the **5**[executive authority], slaughter or permit to be slaughtered, or cut up, or skin or permit

to be cut up or skinned, any cattle, ⁶[horse], sheep, goat or pig in any place ⁷[in any specified non-partchayat area] other than at a public slaughter-house provided by the ⁸[district board]:

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:

⁹[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 ¹⁰[in any specified non-panchayat area] any cattle, ¹¹[horse,] sheep, goat or pig ¹²[without or otherwise than in conformity with a licence] obtained from the ⁵[executive authority].

1. 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).

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 " with the sanction of the district board " were omitted by paragraph 98 (i), *ibid*.

4. 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).

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. This word was inserted by section 159 (ii)(b) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

7. 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).

8. These words were substituted by paragraph I 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).

9. This proviso was added by section 159 (ii) (d) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

10. These words were inserted by paragraph 98 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

11. This word was inserted by section 159 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

12. These words were substituted for the words " except on a licence " by ibid.

191. Slaughter of animals during festivals and ceremonies :-

The ¹[executive authority] of the ²[district board] may, on occasions of festivals and ceremonies or as a special measure, allow any animal to be slaughtered in such places ³[in non-panchayat areas] as he thinks fit.

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 160 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

192. Government places exempted :-

The provisions of sections 189 and 190 shall not apply to places used by Government for the purposes mentioned in the said sections.

193. Purposes for which places may not be used without licence :-

(1) The ¹[district board] may notify that no place ²[situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification] shall be used for any one or more of the purposes specified in Schedule VII ³[without a licence] issued by the ⁴[executive authority] of the ⁵[district board] and except in accordance with the conditions ⁶[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 the ⁴[executive authority] of the ⁷[district board] for a licence for the use of such place for such purpose.

(3) The ⁴[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 the ⁴[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.

⁸[***** *]

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 161 (i) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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) (6) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

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 201 the Madras Re enacting (No III) Act, 1948 (Madras ActIX of 1948)

5. 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)

6. 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).

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 " local board " by section 161 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

8. This sub-section was omitted by section 161 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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 :-

¹(1) Every person intending--

(a) to construct or establish ²[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

(b) to instal in any promises ³[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 ⁴[to the ⁵(district board)] for permission to undertake the intended work,

⁶[(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 ⁷[State Government], and

(ii) such particulars as to the power, machinery, plant or premises as the ⁵[district board] may require by by-laws made in this behalf

8(****).]

(3) The **9**[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 causes nuisance.

10[(4) Before granting permission under sub-section (3), the **10**[district board]--

(a) shall obtain the approval of the inspector of factories appointed under the Indian Factories Act, 1911^{**11**}(Central Act XII of 1911), having jurisdiction **12**[in the non-panchayat area] or, if there is more than one such inspector, of the inspector designated by the **7**[State Government] in this behalf by

general or, special order, as regards the plan of the factory, work-shop, work-place or premises with reference to

(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 **13**[State Government]; and

(6) 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 oases, as regards the suitability of the site of the factory, work-shop, work-place or premises for the purpose specified in the application.]

1. 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 install any machinery in any place where cinematograph exhibitions are proposed to be given.

2. These words Were inserted by paragraph 101 (i) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. These words were inserted by paragraph 101 (ii), of Schedule IV of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

4. These words were substituted for the words " to the taluk board

in nonunion areas and to the union board in union areas " by section 162 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

5. 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).

6. 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).

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 " 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).

9. 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).

10. This sub-section was substituted for original sub-section (4) by section 162 (iv), *ibid*.

11. See now the Factories Act, 1948 (Central Act L XIII of 1948).

12. 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).

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

195. Power of district board to issue directions for abatement of nuisance caused by steam or other power :-

(1) If, in any factory, work-shop or work-place ¹[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, ²[the district board] may issue such directions ³[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 willful default in carrying out such directions or if abatement is found impracticable, the ⁴[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. These words were inserted by paragraph 102 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

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 words "the panchayat" as substituted for the words "the taluk board in nonunion 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).

3. 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).

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 163 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

196. Power of State Government to pass orders or give directions to district boards :-

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.

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.*

197. Power of executive authority to enter factory, work-

197. Power of executive authority to enter factory, work shop or workplace :-

(1) The ¹[executive authority] of a ²[district board] or any person authorized by him in this behalf, may enter any factory, work-shop or work-place ³[in a non-panchayat area]--

(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 ⁴[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.

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 165 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. These words were added by paragraph 103 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

4. This word was substituted for the word "under" by section 165 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

198. Extension of the Madras Places of Public Resort Act, 1888, to any local area :-

Notwithstanding any provisions to the contrary in the ²[Madras] Places of Public Resort Act, 1888 (Madras Act II of 1888), when the ¹[State Government] extend that Act to any ³[non-panchayat area],

(a) the authority to whom application for a licence shall be made and who may grant, or refuse, the licence under

that Act, shall be ⁴[the ⁵[executive authority] of the ⁶(district

board) ;] ⁷[and]

(b) the appeal from ⁸[the order of the executive authority] granting, refusing, revoking or suspending a licence under that Act shall be to the ⁹[district board]; ¹⁰[. .]

11[(c) * * * * *]

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 Madras was inserted 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 "local board area" by paragraph 104 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

4. These words were substituted for the words "the president of the union board in union areas and the president of the taluk board in nonunion areas" by section 166 (i) 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) 3 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 "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

7. 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).

8. These words were substituted for the words "the presidents 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).

9. 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).

10. 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).

11. This clause was omitted by *ibid*.

PART 5 SUBSIDIARY LEGISLATION AND PENALTIES

CHAPTER 12 SUBSIDIARY LEGISLATION

199. Power of State Government to make rules :-

(1) The ¹[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;

²[(b) with reference to all matters not expressly provided for in this Act, which relate to elections of presidents, vice-presidents or members of ³[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;

⁵ (* * * * *)]

(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 ⁶[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 ⁷[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;

⁸[(ff) as to the opening maintenance, management and supervision

of ⁶[district board] schools ;]

(g) as to the intermediate officers, if any, through which correspondence between ³[district boards] and the ⁴[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 ³[district boards] and the power of the ³[district boards] or ¹⁰[officers of the State Government] ¹¹[. . . .] to accord professional or administrative sanction to estimates;

(i) as to the accounts to be kept by ¹²[district boards] ¹³[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 ¹²[district boards];

(k) as to the mode in which the ¹⁴[officers of the State Government] shall advise and assist ¹²[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];

¹⁵[(n) as to the conditions on which and the mode in which contracts may be made by or on behalf of ¹²(district boards) ;]

¹⁶[(o)] as to the powers of auditors to disallow and surcharge items, and as to the recovery of sums disallowed or surcharged;

¹⁶[(p)] as to the transfer of allotments entered in the sanctioned budget of a ⁶[district board] from one head to another ; ¹⁷[.....]

¹⁸[(q)] as to the powers of auditors, inspecting and superintending officers and officers authorized ¹⁹[.....] to hold inquiries, to summon and examine witnesses ²⁰[and] to compel the production of documents and all other matters connected with audit, inspection and superintendence;

²¹[(r) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax,

²²[.....] 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 ²³[State Government] may provide

that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

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 the original clause by section 167 (i) 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. 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).

5. 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).

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 " local fund " by *ibid*.

8. This clause was inserted by section 45 (ii) 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. 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.

11. The words "or the Sanitary Board" were omitted by section 167 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

12. 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).

13. 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).

14. 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.

15. 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).

16. 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*,

17. The word "and" was omitted by section 167 (vi) *ibid*.

18. 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).

19. The words "to conduct enquiries relating to elections" were omitted by section 167 (vii), *ibid*.

20. This word was inserted by *ibid*.

21. Clauses (r) and (s) were added by section 167 (viii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930),

22. The word "tolls" was omitted by Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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

200. Procedure for the making of rules :-

The power to make rules under section 199 is subject to the following conditions :--

- (a) A draft of the rules shall be published in the 2[Official Gazette],
- (b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the ¹[State

Government] may appoint.

(c) All rules made under section 199 shall be published in the ²[Official Gazette] and upon such publication shall have effect as if enacted in 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. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

201. Power of State Government to amend add to and cancel schedules and procedure therefor :-

(1) The ¹[State Government] may make rules altering, adding to, or cancelling any of the schedules to this Act except Schedules 1, VIII and IX.

(2) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (1).

²[(3)***** *]

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 omitted by section 168 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

201A. Procedure for the making of rules under sub-section (2) of section 74-A and section 201 :-

¹[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.]

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.

202. Power of district board to make bylaws :-

The district board may make by-laws not inconsistent with this Act or with any other law, to provide--

¹[(1) for all matters expressly required or allowed by this Act to be provided for by by-laws ;]

¹[(I-A)] for the due performance by all officers and servants of ²[district boards] of the duties assigned to them;

(2) for the regulation of the time and mode of collecting the taxes,

³[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, ash pits and Cess-pools;

⁴[(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 ⁵[district board] ⁶[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, countries, 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 slaughterhouses and of places used for skinning and cutting up carcasses ;

(6) 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 5[district board];

(10) (a) for the inspection of public and private markets and shops and other places therein;

(6) 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;

⁷[(e) for licensing and controlling brokers, commission agents, weigh men and measurers practising their calling in markets;]

⁸[(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;

⁹[(11)] for the regulation of burial and burning grounds and other places for the disposal of corpses;

⁹[* * * * *]

(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:

¹⁰[Provided that nothing contained in this section shall be deemed to authorize the district board, with out 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 bylaws under the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).]

1. Clause (1) was renumbered as clause (1-A) and this clause was inserted as clause (1) by section 169 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
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 "fees and tolls" by Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).
- 4 . 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).
5. These words were substituted for the words "local board" by *ibid*.
6. These words were added by section 7 (iii) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).
7. This sub-clause was inserted by section 169 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
8. 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).
9. Sub-clause (a) of clause (11) was numbered as clause (11) and sub-clause (b) was omitted by section 169 (iii), *ibid*.
10. This proviso was added by paragraph 105 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

203. Penalty for breaches of by-laws :-

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 ¹[district board] to discontinue such breach.

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).

203A. Omitted :-

¹ [* * * * *]

1. This section was omitted by paragraph 106 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

204. Procedure for the making of by-laws :-

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.

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 11 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).

205. Confirmation of by laws by State Government :-

³[No by-law or cancellation or alteration of a by-law made by a district board ¹(.....) ²(.....) shall have effect until the same has been approved and confirmed by the ⁴(State Government;.]

1. The words "taluk board" were omitted by section 47 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras) Act 11 of 1934)

2. The words "or panchayat" were omitted by paragraph 107 of

Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

3. Sections 205 and 305-A were substituted for original section 205 by section 172 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.

205A. Procedure for making, and the publication, of by-laws

:-

¹[(1) Any by-law or cancellation or alteration of a by-law made by a district ²(.....) board when it has been duly confirmed shall be published in the district gazette in English.

³[(2) Any by-law or cancellation or alteration of a by-law made by a district board, ⁴(.....) ⁵(. . .) shall come into operation three months after it has been so published under sub-section (1) ⁶(.....)].

1. Sections 205 and 305-A were substituted for original section 205 by section 172 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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).

3. 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).

4. 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).

5. 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).

6. The words, figure and brackets "or (2) as the case may be" were omitted by *ibid*.

206. Extension to villages of the District Municipalities Act,

1920, or rules framed thereunder :-

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(Madras Act V of 1920), or of any rules framed thereunder; and may declare such extension to be subject to such restrictions and modifications as they think 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 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),

CHAPTER 13 PENALTIES

207. General provisions regarding penalties specified in the schedules :-

(1) Who ever--

(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.

Explanation.---The entries in the third column of Schedules VIII and IX headed Subject are not intended as definitions of the offenses described in the sections, sub-sections, or clauses mentioned in the first and second columns, or even as abstracts of these sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, subsections, or clauses as the case may be.

208. Penalty for acting as member, president, or vice-president of a district board when disqualified :-

¹[(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.

(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 prescribed 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 no (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 no (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

209. Penalty for acquisition by an officer or servant of interest in contract work :-

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 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 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.]

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 proviso was added by section 175 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI 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.

210. Wrongful restraint of president or his delegate :-

Every person who prevents the ²[executive authority] of a ¹[district board], 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 there into or thereon shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

(Central Act XLV of 1860)

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).

211. Penalty for not giving information or giving false information :-

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 6 Part

CHAPTER 14 PROCEDURE AND MISCELLANEOUS

212. General provisions regarding licences and permissions

:-

(1) Every licence and permission granted under this Act or any rule or by-law made under this Act shall specify the period, if any, for which, and the restrictions, limitations, and conditions subject to which, the same is granted and shall be signed by the ¹[executive authority] 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 a [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 place- 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 licensee 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 ⁶[executive authority] or any person to whom he has lawfully delegated his power-, 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 doomed 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 ⁶[executive authority].

(9) Whenever any person is convicted of an offence in respect of the future 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 licensee's permission, ⁷[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.

(11) The acceptance by ⁸[or on behalf of] a ⁹[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

⁶[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.

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*.
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 added by section 176 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
8. These words were inserted by section 176 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).
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).

213. Limitation of time for appeal :-

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 (Central Act IX of 1908),² [be presented--

- (a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of

the order on the notice board of the ¹[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].

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 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).

214. Form of licences, notices and Permissions :-

(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.

(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 ²[or executive authority] or of any officer of a ¹[district board] shall be deemed to be properly signed

if it bears a facsimile of the signature of the president ²[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 ³[district fund] or to any deed or contract entered into by a ⁴[district board.]

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 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).

3. 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).

4. These words were substituted for the words "local board" by ibid.

215. Publication of notifications under the Act :-

¹[Save as otherwise provided, every notification other than one issued by the ²(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:

³[Provided that the ²(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.]

1. These words were substituted for the words "Every notification issued under this Act" by section 178 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. The words "Provincial Government" Were substituted for 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 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. 1) Act, 1948 (Madras Act VII of 1948).

215A. Notice of prohibitions or setting apart of places :-

²[Whenever a ¹(district board) sets apart any place for any purpose or prohibits the doing of anything in any place, the ³(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.]

1. These words were substituted for the words "local board" by ibid.

2. This section was inserted by section 179 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).

216. Method of serving documents :-

(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 there of may be effected--

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode or business, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the 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.

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).

217. Power of entry to inspect, survey or execute works :-

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 :

Provided that--

- (a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;
- (b) except when it is in this Act otherwise expressly provided, no dwelling house, and no part of a public building used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours previous notice of the intention to make such entry;
- (c) sufficient notice shall be given in every case, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove to some part of the premises where their privacy may be preserved;
- (d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

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 ActIX 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).

218. Inspection and stamping of weights and measures :-

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 Act XLV of 1860)

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 ActIX 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*.

219. Consequences of failure to obtain licences, etc., or breach of the same :-

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 there by, 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.

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).

220. Time for complying with notice, order, etc., and power to enforce in default :-

(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] 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.

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).

221. Recovery of sums due as taxes :-

²[All costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the ¹[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 ¹[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.]

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 substituted for original section 221 by section 181 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

222. Limitation for recovery of dues :-

No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to a ¹[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.

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).

223. Persons empowered to prosecute :-

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, ³[1898(Central Act V of 1898)], in regard to the

power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion:

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence or permission is required, and, if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

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 figures Were inserted by section 182, *ibid*.

224. Recovery of fines, costs, etc :-

¹[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(Central Act V of 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.]

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 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

225. Notice of action against district board :-

²[(1) No suit or other legal proceeding shall be brought against any ¹[district board], or the president, ³[the executive authority] or any member, officer or servant thereof or against any person acting and or the direction of such board, president, ³[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, bylaw, 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 ¹[district board] and if the proceeding is intended to be brought against any such president, ³[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.

(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, ⁴[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, ⁴[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.]

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 substituted for original section 225 by section 184 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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)).

4. 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).

225A. Injunctions not to be granted in election proceedings

:-

¹[Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 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.]

1. This section was inserted by section 3 of the Madras District Municipalities and Local Boards (Amendment) Act, 1936 (Madras Act XXV of 1936).

226. Compounding of offences :-

The ²[executive authority] of a ¹[district board] may compound any offence under this Act which may by rules made by the ³[State Government] be declared compoundable.

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 (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).

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,

227. Liability of the president and members for loss, waste or misapplication of property :-

(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.

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 "I provincial" by the Adaptation Order of 1950.

227A. Sanction for prosecution of president or member of a district board :-

³[When ⁴[the president, any member, or the executive authority] of a ¹[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 ²(State Government).]

1. 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).

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 185 of the Madras local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

4. 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)

228. Assessments, etc., not to be impeached :-

(1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in

respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged: provided that the provisions of this Act have been, in substance and effect, complied with. And no proceedings under this Act shall. ¹[merely] for defect in form, be quashed or set aside by any Court of Justice.

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

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or other proceeding relating there to 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.

1. This word was inserted by section 186 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

229. Prohibition against obstruction of district boards servants or contractors :-

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 enforced 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.

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.

230. Prohibition against removal or obliteration of notice :-

No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited ²[or any sign or mark erected] by, or under the orders of, a ¹[district board] or its ³[executive authority].

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 187 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).

231. Power of executive authority to require Karnams and headmen to furnish statements or returns :-

(1) The ²[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 ³[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 ³[revenue village] required for the purposes of this Act.

(2) No village officer shall without reasonable excuse omit to obey any order issued under sub-section (1).

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. These words were substituted for the word "village" by section 188 of the Madras Local Boards (Amendment) Act, 1930 (Madras

Act XI of 1930).

232. Powers of executive authority to summon parties :-

The ²[executive authority] of a ¹[district board] may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or to the grant of any licence or permission under the provisions of this Act.

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).

233. Delegation of powers by Government :-

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 after 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 with draw such 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. 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).

234. Adjudication of disputes between local authorities :-

²[(1) When a dispute exists between a ³[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 them selves, 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 (6) of sub-section (1) shall be submitted to the ¹[State Government] who shall decide the dispute in such manner as they deem fit.

⁴[(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 ⁵[State] 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 ⁶[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).]

⁷[(4) The powers of the ⁶[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.]

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 234 by section 190 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. 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).

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

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

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

235. Passing of property and rights to district board as reconstituted :-

¹(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 ²[district board] as constituted under the Madras Local Boards Act, 1884 (Madras Act V of 1884), as well as all liabilities legally subsisting against the said ²[district board] shall pass to the same ²[district board] as constituted under this Act.

(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 ²[district board] at the time this Act comes into force may be recovered as though they had accrued under this Act.

1. This heading was substituted for the original heading "Transitional and transitory provisions" by section 191 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. 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).

236. Utilization of railway cross accumulations :-

¹[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--

(a) with ²[such sanction as is mentioned in sub-section (1) of section 113], for all, or any of the purposes specified in ³[that sub-section] or Madras Act V of 1884.

(b) with the previous sanction of the ⁴[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, came ways and culverts shall have preference over other kinds of works.]

1. This section was substituted for original section 236 by section 192 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

2. These words were substituted for the words "the previous sanction of the Government of India "by the Adaptation Order of 1937.

3. 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).

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.

237. Extent and commencement of Act :-

(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(Madras Act V of 1920), applies.

(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[]

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.

238. Omitted :-

¹[* * * **]

1. Sections 238 and 239 were omitted by section 193 if the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

239. Omitted :-

¹[* * * * *]

1. Sections 238 and 239 were omitted by section 193 if the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

240. Special provision in the case of newly constituted and reconstituted district boards :-

²[(1) Not with standing anything contained in this Act when a ³[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 ³[district board] and ⁴[its president ⁵(including his powers, duties and functions as executive authority)].

(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 ⁶[.... ⁷(...).. .] of the publication of the notification under ⁸[section 3 -A ⁹(...) ¹⁰(.)]

¹¹((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 ¹²[expire in such year and on such date there in as the 1[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 ¹³[district board] ¹⁴[in that one of the three groups of districts as divided by the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935), to which the district belongs]. The date so fixed shall not be later than the thirty-first day of December.]

(6) The provisions of sub-sections (1) to (5) shall apply save as otherwise provided in this Act and so far as may be, to all cases of reconstitution of ¹⁵(district boards).

(7) When the number of seats on a ¹⁵[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.

¹⁶[(8) The ¹⁷[State Government] may pass such orders as they may deem fit, as to --

(i) the disposal of the property vested in a ¹⁵[district board] which has ceased to exist, and the discharge of its liabilities,

(ii) the disposal of the property vested in a ¹⁵[district board] and situated in a local area in which such board has ceased to exercise jurisdiction ¹⁸[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.]

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 240 by section 194, *ibid*.

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 23 (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).
5. 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).
6. 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).
7. The words "revenue district or" were omitted by section 5 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).
8. This expression was substituted for the words and figures "section 4 or 5" by *ibid*.
9. 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).
10. 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).
11. This sub-section was substituted by paragraph 115 (iii), *ibid*, for subsection (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).
12. 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).
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 "in the same district" by paragraph 115 (iv), *ibid*.
15. 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).

16. 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).

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

18. These words were inserted by paragraph 115 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

240A. Transfer of functions of district boards to Panchayats

:-

¹[Not with standing anything contained in this Act, or in the Madras Village Panchayats Act, 1950 (Madras Act X of 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.]

1. 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).

241. Construction of references to president in other enactments, etc :-

²[(1) Any reference to the president of a ¹[district board] ³[. . . .] contained in any enactment in force in the ⁴[State] of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said ⁴[State,] shall where such reference relates to the executive functions of such president, be construed as a reference to the executive authority of the ⁵[district board].

⁶[.....]

(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 ⁷[State Government] shall be final.]

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 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).
3. 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).
4. This word was substituted for the word "Province" by the Adaptation Order of 1950.
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 "district board or panchayat as the case may be" were omitted by paragraph 117, *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.

SCHEDULE 1

ENACTMENTS REPEALED

SCHEDULE I. ENACTMENTS REPEALED. (See section 2.)

Year.	Number.	Short title.	Extent of repeal.
1834	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,	So much of it as has not been already repealed.

1914	VIII	¹⁹¹³ The Madras Decentralization Act, 1914.	So much of the schedule as relates to the Madras Local Boards Act, 1884.
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SCHEDULE 2

Rules regarding Proceedings of District Boards

SCHEDULE II.

Rules regarding Proceedings of ¹[District Boards].

[See section 31.]

³[1. Every ¹[district board] shall provide an office in such place as may be fixed by the ²(State Government).]

⁴[2. Every district ⁵(. . . .) board shall meet at least once in two months, ⁶[.....] 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.]

⁴[3. (1) No meeting ⁷[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 ⁸[. . .] at least ten clear days before the day of the meeting ⁹[..... ¹⁰(.....)].

(2) In cases of urgency, the president may convene a meeting on giving shorter notice than that specified in sub-rule (1).]

⁴[4. (1) The president of a ¹[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. Tho requisition shall be delivered at the office of the ¹[district board] during office hours to the president, ¹¹[. . . .] secretary, manager or any other person who may then be in charge of the office, ¹²[.....]

at least fifteen clear days before the day of the meeting

⁹[¹⁰(.....)].

(2) If the president fails within forty-eight hours from the delivery of such requisition, to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called 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.]

¹³[5.] All the meetings of a ¹[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.

¹³[6.] All questions which may come before a ¹[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 ¹⁴[and exercise] a second or casting vote.

¹³[7.] No business shall be transacted at a meeting of and a ¹[district board] unless there be present at least one-thirty of the number of members then on the

¹[district board].

¹³[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.

¹³[9.] No resolution of a ¹[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 ¹⁵[.....] not less than one-half of the sanctioned number of members.

¹³[10.] Minutes of the proceedings at ¹⁶[every meeting] of a ¹[district board] shall be drawn up and entered in a book to be kept for that purpose and shall be signed by the ¹⁷[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 ¹[district board] to the inspection of any person who pays any tax under this Act.

¹⁸[11.] ¹⁹[With in 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 ²⁰[Regional Inspector] of Municipal Councils and ²¹[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 ²²[State] Government and to the Superintending Officers appointed under ²³(section 37) for information and necessary action.]

²⁴[(2).....]

²⁴[(3).....1

²⁴[(4).....]

²⁵[12. The ²⁶[executive authority] of a ¹[district board] shall have the custody of the proceedings and records of the board and ²⁷(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 ²⁶[executive authority], as provided in section 76 of the Indian Evidence Act, 1872(Central Act I of 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.]

²⁸[13.] The proceedings of ²⁹[every standing or other committee] appointed by a ¹[district board] shall be recorded in writing and submitted to the board.

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. 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).

4. 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).

5. 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).

6. 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).

7. These words were inserted by paragraph 118 (ii), *ibid*.

8. The words "at least three clear days before the day of the meeting in the case of Panchayats and" were omitted by *ibid*.

9. The words "in the case of district boards" were omitted by *ibid*.

10. 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).

11. 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).

12. The words "at least ten clear days before the day of the meeting in the case of Panchayats, and " were omitted by *ibid*.

13. 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).

14. These words were inserted by section 196 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

15. The words "votes of" were omitted by section 196 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

16. These words were substituted for the words "each meeting" by section 196 (iii) (a), *ibid*.

17. These words were substituted for the words "president or the member who presided at such meeting" by section 196 (iii) (b),

ibid.

18. 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).

19. 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 1-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 1-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).

20. 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).

21. 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,

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

23. This expression was substituted for the words, brackets and figures "sub-section (i) of section 37" by paragraph 118 (v) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

24. Sub-rules (2), (3) and (4) as substituted for the original sub-rules by section 196 (iv) (6) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), were omitted by paragraph 118 (iv), *ibid*.

25. 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).

26. 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).

27. 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).

28. Original rubs 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).

29. These words were substituted for the words "every committee" by section 50 (vi) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

SCHEDULE 3

Omitted

SCHEDULE III

[Omitted]

¹[* * *]

1. 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).

SCHEDULE 4

Taxation Rules

SCHEDULE IV.

Taxation Rules.

¹[(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.

²[2. * * * *]

³[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 ⁴[as the ⁵(State Government) may, by general or special order direct,] render to the ⁶[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.

⁷[PART II--PROFESSION TAX].

⁷[General.]

5. (1) ⁸[The ⁹(executive authority) of a ¹⁰(district board)] shall prepare and keep ¹¹[. . .] assessment books showing the companies and persons liable to the ¹²[. . .] profession tax ¹³[. . .].

(2) The assessment books ¹⁴[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 ¹⁵[any person who pays ¹⁶(the tax) to the ¹⁰(district board) ¹⁷(or his authorized agent,) and such person or agent shall be entitled to take extracts, free of charge, from the said books and records ¹⁸(. . .)].

(3) The account books of a ¹⁹[district board] shall be open without charge to inspection by ²⁰[any person who pays ¹⁶(the tax) to the ¹⁹(district board) or his authorized agent] on a day or days in each month to be fixed by the ¹⁹[district board].

²¹[(4) (a) If at any time it appears to the ¹⁰[district board] that any company or person ²²[] has been inadequately assessed or inadvertently or improperly omitted from the assessment books ²³[. . .] or that there is any clerical or arithmetical error in the said books, it may direct the ²⁴[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.

(6) 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.]

²⁵[6. The ²⁴(executive authority) shall, save as otherwise provided in this Act, determine the tax to which each company ²⁶(or person) is liable :

Provided that in the case of taxes payable by the ²⁴(executive authority), the assessment shall be made by the ¹⁰(district board)].

7. (1) The ²⁵[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.

²⁷[.....1

²⁷[8. *****]

²⁸[Assessment of the profession tax.]

²⁸[9. ²⁹[(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, but no class shall be exempted from liability when any lower class is liable to tax.]

30[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 **31**(non-panchayat area) if such company or person has an office or place of employment within such **31**(non-panchayat area.)]

30[11. (1) Where a company or person transacts **32**(any business other than money-lending) in any half-year exclusively in **33**(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--

(a) where income-tax is assessed on such company or person under the Indian Income-tax Act, 1922(Central Act XI of 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(Central Act XI of 1922), for the purpose of assessing the income-tax; and

(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 **34**(percentage or percentages) as the **5**(State Government) may, subject to the approval of **35**[both **36**(Houses) of the **37**(State) Legislature], **38**(determine), of the turnover of **39**(such business) transacted in **40**[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 **41**(any business other than money-lending) **42**[partly in the non-panchayat area of a district board) and partly outside such area, the income of such company or person from the **43**(transaction of such business) **44**[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 **45**(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 (6) of sub-rule (1) and sub-rule (2), the turnover of business in any **46**[non-panchayat area] means the aggregate money value of the goods produced, manufactured, purchased or sold or of **47**(any other business except money-lending) transacted in such **46**[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 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.]

48[11-A. (1) If, in the opinion of the **49**[executive authority] of the **10**[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 **49**[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 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(Central Act XI of 1922), for the year comprising the half-year in question, the **50**[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.

(3) If no return is made as required under sub-rule (1) or if the **50**[executive authority] is satisfied that any return so made is incorrect or incomplete, the **50**[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 **50**[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 **50**[executive authority] shall not be entitled to call for the accounts of any company or person.]

51[.....]

51[12 to 25. * * * * *]

M.....]

52[26 * * * * *]

Appeals.

53[27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A.]

28. No appeal to a **54**[district board] shall be heard--

(i) unless it reaches the office of the **54**[district board], within thirty days after the tax complained of has been demanded, and

55[(ii) unless (except when the **49**[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 ⁵⁶(district board) within the period specified in clause (i).]

29. The ⁵⁷[district board] may, of its own motion or otherwise, cancel or modify any order passed by the ⁴⁹(executive authority) reducing or remitting a tax.

30. The assessment books shall be corrected in accordance with any orders passed by the ⁵⁸[district board] on appeal; in the event of the amount of ⁵⁹(the tax) being ⁶⁰[reduced] or remitted by the ⁵⁸[district board] the ⁴⁹(executive authority) shall grant a refund accordingly.

31. The assessment or demand of ⁵⁹(the tax) when no appeal is made as hereinbefore provided, and ⁶¹[when such an appeal is made, the adjudication of the ⁵⁸(district board), thereon shall be final:

⁶²[Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.]

Collection of taxes.

⁶³[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:

Provided always that the movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908(Central Act V of 1908), shall not be liable to distraint.

(2) If, for any reason, distraint or a sufficient distraint of the defaulters 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 those 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 ⁶⁴[or other amount] due and warrant fee. If the tax ⁶⁴[or other amount] and fee are paid, no distraint shall be made, ⁶⁵[but, if the tax ⁶⁴[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 those rules or in some similar form:

⁶⁶[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 ⁶⁷[equal in value to the tax ⁶⁸(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 ⁶⁸[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 ⁴⁹(executive authority) the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the ⁴⁹(executive authority), who shall apply the proceeds of the sale to the payment of the amount due on account of the tax ⁶⁸[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 ⁶⁸[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 ⁶⁹[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 ⁴⁹(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 ⁴⁹(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 ⁴⁹(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 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 ⁴⁹(executive authority) that he wilfully permitted the distraint of the property ⁷⁰[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 ⁷¹(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 ⁷²[sub-rule (1) of rule 33] may be distrained wherever it may be found within the area of the ⁷¹(district board).

⁷³[38 * * * * *]

39. (1) Every person who is prosecuted ⁷⁴[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 ⁶⁸[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 ⁷⁵[. . . .].

⁷⁶[(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 ⁷⁷(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 ⁷⁷(district board) such amount, if any, as he may fix as the costs of the prosecution.]

⁷⁸[39-A. Neither the ⁷⁹(executive authority) nor any officer or servant of the ⁷⁷(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 ⁸⁰[. . . .] 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 ⁷⁹(executive authority) of the ⁷⁷(district board) concerned--may re-enter upon and relet or resell the farm at the risk of the lessee; and ⁸¹[upon such re-entry] the term of the original lease shall be determined.

⁸²[APPENDIX A].

Distraint warrant.

[See rule 33 (4).]

Warrant No.

To

(Name of officer charged with execution of warrant.)

⁸³[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.]

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 ⁸⁴[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 distraint the goods and chattels of the said

⁸⁵(), 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 ⁸⁴[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 ⁸⁴[or other amounts due] and fees, viz., Rs. A.P. and the charges of keeping and selling such distraint, will be deducted and credited to the...fund, and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said, you are to certify the same to me together with this warrant.

Station

Date 19 [Signature of the

86(executive authority or other officer.)) **87**[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 **88**[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 **89**(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).]

90[APPENDIX C.

Table of maximum fees payable on distraints.

[See rule 36 (1)]

Sum distrained for.					Fees.		
					RS.	A.	P.
Under 1 rupee					0	4	0
1 rupee and over but under 5 rupees					0	8	0
5 rupees and over but under 10 rupees					1	0	0
10	"	"	15	"	1	8	0
15	"	"	20	"	2	0	0
20	"	"	25	"	2	8	0
25	"	"	30	"	3	0	0
30	"	"	35	"	3	8	0
35	"	"	40	"	4	0	0
40	"	"	45	"	4	8	0
45	"	"	50	"	5	0	0
50	"	"	60	"	6	0	0
60	"	"	80	"	7	8	0
80	"	"	100	"	9	0	0
100 rupees and over					10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each peon.]

1. 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).

2. This rule was omitted by section 198 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

3. 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).

4. 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).

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 "local board concerned" by paragraph 119 (iii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

7. 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).

8. 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).

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 word "panchayat" by paragraph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

11. The word "separate " was omitted by paragraph 119 (v), *ibid*.

12. The words "the companies tax" were omitted by section 202 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

13. 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).

14. These words were inserted by section 202 (ii) (a) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

15. These words were substituted for the words "any tax-payer" by section 202 (ii) (A), *ibid*.

16. 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)

17. These words were inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act, XIII of 1938).

18. The words "or his authorized agent" were omitted by *ibid*.

19. 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).

20. These words were substituted for the words "any rate payer" by section 302 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

21. 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).

22. The words "or any property" were omitted by paragraph 119 (vii) of Schedule IV, *ibid*.

23. The words "relating to any tax" were omitted by *ibid*.

24. 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).

25. 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).

26. 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).

27. The heading and rule 8 were omitted by section 204 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

28. This heading and 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).

29. 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 1-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 118 of Part 1-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 1-A of the Fort St. George Gazette, dated the 27th April 1948.

30. 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).

31. 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).

32. 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 1-A of the Port St. George Gazette, dated the 14th April 1931,

33. 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).

34. 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 1-A of the Fort St. George Gazette, dated the 14th April 1931.

35. These words were substituted for the words "the Legislative Council" by the Adaptation Order of 1937.

36. This word was substituted for the word "Chambers" by the Adaptation Amendment) Order of 1950.

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

38. 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 1-A of the Fort St. George Gazette, dated the 14th April 1931,

39. 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 1-A of the Fort St. George Gazette, dated the 14th April 1931.

40. 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).

41. 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 1-A of the Fort St. George Gazette, dated the 14th April 1931.

42. 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).

43. 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 1-A of the Fort St. George Gazette, dated the 14th April 1931.

44. 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).

45. 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.

46. 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).

47. 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 1-A of the Fort St, George Gazette, dated the 14th April 1931.

48. Rules 9 to 11-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).

49. 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).

50. 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).

51. 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).

52. This rule and the heading there to were omitted by Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

53. 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 1-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 1-A of the Fort St. George Gazette, dated the 27th April 1948.

54. 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).

55. This clause was substituted for original clause (ii) by section 222 (ii), *ibid*.

56. 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).

57. 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).

58. 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).

59. 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).

60. This word was substituted for the word " decreased " by section 224 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

61. These words were substituted for the words "the adjudication of an appeal by the local board " by section 225 (1), *ibid*.

62. This proviso was added by section 225 (2), *ibid*.

63. 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.

64. 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.

65. 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).

66. This proviso was added by section 228 (i) (b), *ibid*.

67. 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).

68. 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.

69. 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).

70. 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).

71. 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).

72. 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).

73. This rule was omitted by paragraph 119 (xviii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

74. 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).

75. 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).

76. 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).

77. 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).

78. This rule was inserted by section 233 of Madras Act XI of 1930, *ibid*,

79. 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).

80. The words "tolls or" were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

81. These words were substituted for the word " thereupon " by section 234 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

82. This Appendix was substituted for the original Appendix A by section 235, *ibid*.

83. 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.

84. 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.

85. 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).

86. 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).

87. 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).

88. 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).

89. 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).

90. 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.

SCHEDULE 5

Finance Rules

SCHEDULE V.

Finance Rules.

[See sections 112, 115 and 121.]

Expenditure.

1. ¹[(a) It shall be the duty of every ²(district board) to provide for the payment of--

(i) any amounts falling due on any loans contracted by it; ³[. . . .]

³[(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the ²(district board), and the maintenance of the election establishment.

Explanation.--The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections;]

³[(iii)] the salaries and allowances ⁴[and the pensions, pensionary contributions and provident fund contributions] of its officers and servants.

⁵[(aa)] * * * * *

⁶[(b) The ⁷[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 ⁸(district board). Such amount shall have priority over all other charges except charges for the service of authorized loans in eluding the loans and advances specified in section 121-A, and the expenses specified in sub-section (2) of section 41.]

⁹[* * * * *]

¹⁰[1-A * * * * *]

¹¹[1-B] ¹²[(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 ¹³(State) Government consider necessary and practicable; and

(b) shall not divert such provision to other purposes without the express sanction of the ¹³(State) Government.]

¹³[(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:--

¹⁴[(a) * * * * *;]

(b) the construction and maintenance of all travellers bungalows and rest-houses on all public roads in the district;

¹⁵[(c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas.]

¹⁶[(cc) the opening and maintenance of elementary schools ¹⁷(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);]

(d) the opening and maintenance of secondary and sessional schools, vocational or industrial schools and hostels for students;

¹⁸[(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;

¹⁹[(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;]

²⁰[(hh) vaccination;]

²¹[(i) preventive and remedial measures connected with epidemics ²²(except, in panchayat 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; ²³]

²⁴[* * * * *]

²⁵[(l) the opening and maintenance of public markets which are classified as district markets ²⁶(in panchayat areas and of all public, markets in non-panchayat areas);]

²⁵[(m) the control of fairs and festivals which, are classified as district fairs and festivals ²⁷[in panchayat areas and of all fairs and festivals in non-panchayat areas;] and

²⁸[(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 slaughterhouses 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].

29[(3)] Subject to such rules as the **30**[State Government] may make, the district board shall also have power to make such provision as it thinks fit for carrying out the requirements of the district in respect of the following matters, namely:--

(a) the planting and preservation of avenues on all district roads;

(b) the construction and working of railways, tramways ropeways, motor omnibus and other transport services;

(c) gratuities to its officers and servants;

31[(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 **32**[sub-rules (1) and (2)] and clauses (a) to (d) of this sub-rule to other **33**(district boards), municipal councils **34**[and private persons or associations].

35[1-C] (1) The **36**[State Government] shall have power to make rules regarding the maximum amount of expenditure that may be incurred by a **37**(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 **37**(district board) may incur any charge necessary for or incidental to its administration.

38[2. * * * *]

38[3. * * * *]

4. A **37**(district board) may, notwithstanding anything contained in these rules, contribute to the funds of **39**(any panchayat) in the district and may, with the sanction of the **40**[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 **41**[or to a fund for the defence of the local area within its jurisdiction, **42**(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.

43[5. The receipts under this Act which shall be credited to **44**[. . .], **45**[.] **46**(
district funds **47**(. . .) are as follows:--

48[.]

48[(1) to (21). * * * *]

49[District Funds.]

50[(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.]

51[(2) * * * *]

(3) Fees on licences issued and permissions given by the district board under this Act.

52[(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 **53**(in panchayat areas) classified as district choultries **54**(and of all choultries in non-panchayat areas).

(6) Receipts of schools maintained by the district board including grants-in-aid to such schools.

(7) Receipts of hospitals **55**(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 **56**(district boards), municipalities, other local authorities and private persons in aid of any institutions or services maintained or financed from district funds **57**[or managed by the district board].

58[(11) * * * *]

(12) Sale-proceeds of sweepings, tools and plant, old stores and materials, and of trees and avenue produce appertaining to all district roads **59**(and to all public roads in non-panchayat areas).

(13) Income from district board ferries **60**(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.

61[(18) Unclaimed deposits and other forfeitures].

62[(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the district fund or managed by the district board.]

63[6. * * * * *]

64[7. * * * * *]

General.

65[8. (1) All moneys received by a district **66**(.) board shall be lodged in the nearest Government treasury **67**(.)]

68[(2)] A district **66**(.) board may with the sanction of the **69**(State Government)**70**(.)

(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 **69**(State Government) may, by general or special order, approve.

70(* * * * *)]

71[9. (1) All orders or cheques against a **72**(district fund) shall be signed--

(a) by the **73**(executive authority); or

74[(b)] by some person duly authorized in that behalf by the **75**(executive authority) **76**(.).

74[* * * * *] **77**[or

(c) subject to such control as may be prescribed, by such person as may be appointed by the **13**(State) Government in that behalf.]

(2) The treasury, bank, co-operative society or person in which or with whom the **78**(district fund) is lodged shall, so far as the funds to the credit of the **79**(district board) admit, pay all orders or cheques against the fund which are signed as required by sub-rule (1).

(3) If the **79**(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 **79**(district board) without such order or cheque any expense which the **80**(State Government) have incurred on behalf of the board.]

1. 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).

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 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.

4. 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.

5. 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).

6. 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.

7. 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.

8. These words were substituted for the words "local board" by para-graph 1 of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

9. 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.

10. This rule was omitted by paragraph 120 (ii) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

11. 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).

12. 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.

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

14. 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.

15. 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).

16. This clause was inserted by section 52 (vi) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

17. 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).

18. 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),

19. This clause was substituted for clause (h) by paragraph 120 (iii) (I) (4), *ibid*.

20. This clause was inserted by section 52 (viii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

21. 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).

22. 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 (jj) 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).

23. 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).

24. Clause (k) was omitted by section 4 (iii) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act III of 1935).

25. This clause was inserted by section 52 (x) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

26. 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).

27. These words were added by paragraph 120 (iii) (I) (7), *ibid*.

28. 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).

29. 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.

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

31. 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).

32. 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.

33. 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).

34. 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.

35. 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).

36. The words " Provincial Government" were substituted for the

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

37. 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).

38. Rules 2 and 3 were omitted by paragraph 120 (iv) of Schedule IV, *ibid*.

39. These words were substituted for the words "any other local board" by paragraph 120 (v) of Schedule IV, *ibid*.

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

41. These words were inserted by Local Administration Notification No. 216 dated the nth 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.

42. These words were substituted for the words " India or the Empire " by *ibid*.

43. This rule was substituted for original rule 5 by section 239 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

44. 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).

45. 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).

46. 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).

47. The word "respectively " was omitted by *ibid*.

48. The heading "A--Village Funds" and the items thereunder were omitted by *ibid*.

49. 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).

50. 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).

51. This item was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

52. 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).

53. 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).

54. These words were added by *ibid*.

55. 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).

56. These words were substituted for the words "local boards" by paragraph 1, *ibid*.

57. These words were added by section 4 (v) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act III of 1935).

58. Clause (11) was omitted by the Adaptation Order of 1937.

59. These words were added by paragraph 120 (vi) (5) of Schedule IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

60. These words were inserted by paragraph 120 (vi) (6), *ibid*.

61. 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.

62. This item was inserted by paragraph 120 (vi) (7) of Schedule

IV to the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

63. This rule was omitted by paragraph 120 (vii) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950):

64. This rule was omitted by the Adaptation Order of 1950.

65. This rule was substituted for original rule 8 by section 241 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

66. 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).

67. 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).

68. Clause (b) of sub-rule (2) was omitted and clause (a) was renumbered as sub-rule (2) by paragraph 120 (viii) (2), *ibid*.

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

70. 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).

71. This rule was substituted for original rule 9 by section 241 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

72. 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).

73. 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).

74. 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).

75. 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).

76. The words " in the case of district boards or " were omitted by ibid.

77. 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.

78. 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).

79. These words were substituted for the words "local board" by ibid.

80. The words "Provincial Government" were substituted for 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 6

List of dangerous diseases

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.

SCHEDULE 7

Purposes for which premises may not be used without a licence

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);

(i) manufacturing gunpowder or fire-works;

⁶[(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);

⁷[(kk) preparing flour or articles made of flour for human consumption or sweetmeats;]

(l) manufacturing ice or aerated waters;

⁸[(ll) brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not), by distillation;]

⁹[(m) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal;]

¹⁰[(mm) selling wholesale or retail, or storing for wholesale or retail trade, or for purposes other than private or domestic use, grain, groundnut, ¹¹(tamarind), chillies, jaggery, pulses, flour, bran, oil-cakes or agricultural produce which is likely to attract rats;]

¹²[(n) storing any explosive or combustible materials:

¹³(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(Central Act XXX of 1934), or the rules or notifications issued thereunder);]

¹⁴[(nn) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;]

¹²[(o) manufacturing anything from which offensive or unwholesome smells arise;]

¹²[(p) using for any industrial purpose any fuel or machinery ¹⁵(other than such machinery as may by notification be exempted by the State Government from time to time); and]

¹²[(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:]

¹⁶(Provided that no licence shall be required for boiling paddy ¹⁷[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

¹⁸[when such boiling, keeping, washing or storage] is for private use or is in a place not situated among inhabited houses).

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 37th 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.
6. 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).
7. 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.
8. 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.

9. 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.

10. 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 (ram) 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.

11. 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.

12. 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).

13. 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.

14. 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*.

15. 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*.

16. This provision 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).

17. 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.

18. These words were substituted for the words "when such boiling or Storage" by *ibid*.

SCHEDULE 8

Ordinary Penalties

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[* * * * *]			
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.
[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.
[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.
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-	Do.

		supply.	
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 overgrown with noxious vegetation.	Fifty rupees.
153	(2)	Failure to obey requisition to lime-wash a building.	Do.
3[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.
4[157-A		Obstructing a person in the use of roads.	Do.]
158		Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
159	(1)	Failure to remove or alter encroachment.	Two hundred rupees.
161	(1)	Unlawful construction of building over a drain or on ground levelled, etc., by rubbish.	Do.
161	(2)	Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission.	Do.
162		Failure to obey requisition to clear prickly-pear, wattle, lantana, etc., from land adjoining public road,	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.
3[163-A	(1)	Planting of trees without permission on any public road or other property vested in a 4(district board).	Two hundred rupees.]
3[163-A	(2)	Felling, etc., without permission of trees growing on public road or other property vested in a 4(district board).	Do]
164	(2)	Failure to remove any building, etc., on land vested in 4(district board).	Two hundred rupees.
5[* * * *]			
6[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.
7[* * * * *]			
171		8[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.
185		Using any public place or roadside as a landing or halting place, etc., within prohibited distance.	Fifty rupees.
9[* * * * *]			
187		10[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.,	Two

	(a)	Slaughtering or cutting up or skinning, etc., cattle, etc., outside a public slaughter-house,	One 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 11(district board) etc.	Fifty rupees.
230		Removal of notice exhibited by or under orders of a 11(district board).	Do.
231		Failure to obey an order to furnish statement, etc.	Do.
232		Failure to obey summons	Do.

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).

3. These items were inserted by section 243 (ii) 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. The entries relating to section 166 were omitted by section 7 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

6. This item was inserted by section 4 (2) of the Madras Local Boards (Amendment) Act, 1926 (Madras Act 1 of 1927).

7. The item relating to section 170 was omitted by section 243 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

8. The entries in columns (3) and (4) were substituted for the original entries by section 243(v), *ibid*.

9. 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).

10. The entries in columns (3) and (4) were substituted for the original entries by section 243 (vii), *ibid*.

11. 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).

SCHEDULE 9

Penalties for Continuing Breaches

SCHEDULE IX. Penalties for Continuing Breaches. (See section 207).

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
122		Failure to obey requisition to cleanse any stream, etc., close a well, tank or reservoir, or enclose or fence the same.	Ten rupees.
123	(1)	Failure to obey requisition to fence, repair, fill up, etc., tank, well, etc.	Do.
124	(2)	Disobeying notice prohibiting use of water to which public have access.	Do.
125	(e)	Allowing water from a sink, sewer, etc., into a place set apart for drinking, bathing or washing clothes.	Do.
129		Allowing filth to flow in public roads, etc.	Do.
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 offence, etc., in or over any public road.	Twenty rupees.
158		Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Ten rupees.
159	(1)	Failure to remove or alter encroachment.	Do.
161	(1)	Unlawful construction of building over a drain or on ground levelled, etc., by rubbish.	Fifty rupees.
161	(2)	Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission.	Do.
162		Failure to obey requisition to clear prickly-pear, wattle, lantana, etc., from land adjoining public road, etc.	Ten rupees.
163	(1)	Unlawful making of hole or placing obstruction, in public road.	Ten Rupees.
164	(2)	Failure to remove any building, etc., on land vested in 3(district board).	Fifty rupees.
4[* * * * *]			
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	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 5[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.

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).

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. The entries relating to section 166 were omitted by section 7 (iv) of the Madras Traffic Control Act, 1938 (Madras Act V of 1938).

5. 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).

SCHEDULE 10

Omitted

SCHEDULE X

[Omitted]

¹[***]

1. Schedule X was omitted by section 245, *ibid*.