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## NOTIFICATION.

*No. 543—L. C., dated 22nd June 1917.*

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to make better provision for the constitution of Local Boards and Village Panchayets in Mysore is published for general information together with a statement of objects and reasons.

By Order,  
G. SREENIVASA IYER,  
*Secretary, Mysore Legislative Council.*

## The Mysore Local Boards and Village Panchayets Bill.

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SCHEDULE.

**A Bill to make better provision for the constitution of Local Boards and Village Panchayets in Mysore.**

Whereas it is expedient to make better provision for the constitution of Local Boards and Village Panchayets to administer the expenditure of District Funds, Taluk Funds and Village Funds in Mysore, and to define and regulate the powers to be exercised by those Boards and Panchayets; His Highness the Maharaja is pleased to enact as follows:—

**CHAPTER I.**

**PRELIMINARY.**

- Short title. 1. (1) This Regulation may be called "The Mysore Local Boards and Village Panchayets Regulation, 1917."
- Extent. (2) It shall extend to the whole of Mysore.
- Commencement. (3) It shall come into force at once.
- Repéal. 2. The enactments mentioned in the Schedule are hereby wholly repealed.
3. In this Regulation—
- Interpretation. (1) "District" includes such part of a District as the Government may, by notification in the official Gazette, declare to be a District for the purposes of this Regulation.
- (2) "Deputy Commissioner" includes the Officer in charge of the Revenue administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.
- (3) "Taluk" includes a sub-division of a Taluk declared by the Government, by notification in the official Gazette, to be a Taluk for the purposes of this Regulation.
- (4) "Local Board" means any District Board or Taluk Board constituted under this Regulation.
- (5) "Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village as well as a group of such villages, but shall not include a local area constituted into a Municipality under the Mysore Municipal Regulation.
- (6) "Village Panchayet" means a body of persons constituted under this Regulation for a village.
- (7) "Prescribed day" means such day as the Government may, from time to time, prescribe.

**CHAPTER II.**

**CONSTITUTION OF DISTRICT AND TALUK BOARDS.**

4. The Government may, with effect from such date as it may appoint, establish, by notification in the official Gazette for each Taluk a Taluk Board having authority over the Taluk, and for each District a District Board having authority over the entire District, provided that such portions of a Taluk or District as are included in a Municipality shall be excluded from the jurisdiction of the Taluk or District Board.

5. Each Local Board shall consist of—

Number and appointment or election of members. (a) elective members and (b) such persons, if any, as the Government appoints either by name or official designation who shall be called "nominated members."

Provided that the number of elective members in a District Board shall be not less than two-thirds of the whole Board, and in a Taluk Board not less than one-half of that Board:

Provided also that each Local Board shall consist of such number of members not less than six as the Government may fix in this behalf.

6. When a District Board comes into existence under section 4 for any local area, the following consequences shall ensue, namely---

(1) The rules published with the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid anything done in accordance therewith.

(2) The District Committee constituted under the aforesaid Rules shall cease to exist.

(3) All property of whatever kind and all institutions committed to the management of the said Committee under the aforementioned Rules, shall vest in the District Board for the purposes of this Regulation, subject to all rights, (if any) existing over, and all debts, liabilities and obligations (if any) affecting such property and institutions.

(4) All rules and orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

(5) When more than one District Board shall be established for the area within the jurisdiction of a District Committee, the assets and liabilities of the latter shall be distributed among such District Boards in such proportion as may be deemed most equitable by the Government.

7. (1) Every Local Board shall be a body corporate by the name of the local area for which it shall have been established and over which it has authority, shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, to transfer any movable property and, with the previous sanction of the Government, any immovable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

(2) But nothing herein contained shall empower any Board to raise loans for any of the purposes of this Regulation, without the previous sanction of the Government.

### CHAPTER III.

#### POWERS AND DUTIES OF LOCAL BOARDS.

##### *Powers and Duties of Local Boards.*

8. Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provide for the control and administration of the following matters within the area subject to its authority :—

(a) the construction, repair and maintenance of public roads and other means of communication ;

(b) the planting and preservation of trees on the sides of roads and on other public ground ;

(c) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, travellers' bungalows, musafir khanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions ;

(d) the construction and repair of public wells, tanks, and water works, the supply of water from them and from other sources, irrigation and drainage works, and the preservation from pollution of water for drinking and cooking purposes ;

(e) the establishment and maintenance of such relief works in time of famine or scarcity as may be entrusted to the charge of the District Board by the Government ;

(f) the establishment and management of cattle-pounds, including such functions of the Government and the Magistrate of the District under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, as may be transferred to the District Board by the Government;

(g) the management of such public ferries as may be entrusted to its charge;

(h) the institution, holding and management of agricultural and industrial exhibitions and demonstration farms;

(i) the maintenance of any building or other property which is vested under this Regulation in the District Board, or may be placed by the Government under the management of that Board; and

(j) any other local works or measures likely to promote the health, comfort, convenience, interest or welfare of the public or the agricultural or economic improvement of the district.

9. (1) Subject to the control of the District Board and to such rules as may be framed by Government in this behalf, every Taluk Board shall, within the area over which it has authority, have the control and administration of all purely local road works and buildings maintained at its cost and also of all local services and institutions except such as the District Board may think fit to take under its own direct control and administration.

(2) In respect of roads, works, buildings, services and institutions in the control and administration of the District Board, every Taluk Board shall, if the District Board so desires, be the agent of the District Board and as such agent, shall exercise such authority and perform such duties as the District Board may from time to time in writing delegate to it. Such delegation shall be subject to any rules which may be framed by the Government in this behalf.

10. The Government may, at any time, with the consent of the Local Board, transfer to such Board the management of any institution not otherwise provided for by this Regulation, and it shall thereupon be lawful for such Board to undertake the management thereof:

Provided that in every such case, the funds necessary for such management shall be placed at the disposal of such Board by the Government.

11. A Local Board may, subject to the rules framed by the Government in this behalf, pass and submit for the consideration of Government resolutions on questions connected with the general administration of the District.

*Relations of Taluk Boards and District Boards.*

12. Every Taluk Board shall submit annually to the District Board of its district, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable receipts and expenditure, of the Taluk Board for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the District Board such other reports, if any, as the said Board may from time to time require.

The estimate of the receipts and expenditure so submitted shall be passed, rejected or modified by such authority and under such conditions as Government may prescribe, by rules framed in this behalf.

13. A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board within its district.

14. If the Taluk Board makes default in the performance of any duty imposed on it by or under this Regulation, the District Board may, by order in writing, fix a period for the performance of the duty.

If the duty is not performed within that period, the District Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the Taluk fund appropriated to or for the purposes of the Taluk Board.

15. (1) The Government may, from time to time, by notification in the official Gazette, declare any Taluk Board established under this Regulation to be an independent Board, and may in like manner cancel such notification.

Power to declare Taluk Boards independent.

(2) A Taluk Board so declared shall, while the notification is in force, so far as may be, have, within the area subject to its authority, the powers, perform the duties, and be subject to the liabilities, of a District Board under this Regulation, and shall cease to be the agent of, and under the control of, the District Board.

*Joint Committees.*

16. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Committee or with more than one such Board or Committee in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Committees concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

Joint Committees.

(2) If any dispute arises between two or more Boards or Committees acting under this section, the decision thereon of the Deputy Commissioner, if the Boards or Committees are in the same district, or of the Government, if they are not in the same district, shall be final.

*Conduct of Business.*

17. (1) A member of every Local Board shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President.

Election or appointment of President and Vice-President.

Provided that if a member is appointed President, the Board shall elect one of its members to be a Vice-President.

The President and the Vice-President of a Local Board shall hold office for such term as the Government may, by a rule under this Regulation, fix.

(2) The Government shall determine, as regards each Board, or as regards any class of Boards, whether the President and Vice-President shall be persons appointed by virtue of their office, or by name, or shall be elected.

(3) At every meeting of a Local Board, the President, or in his absence, the Vice-President, shall preside. If, when any meeting is held, the offices of President and Vice-President are both vacant, or the President and Vice-President are both absent from the meeting, the members present shall appoint one of their number to preside thereat.

Who to preside at meetings.

(4) The Sanitary Commissioner, the Principal Medical Officer of the District, the Executive Engineer and the Inspector or Deputy Inspector of Schools of the Circle shall be entitled, if they be not already members, to attend any meeting of a Local Board and to address such Board on any matter affecting, respectively, medical aid and sanitation, public works and public instruction; and shall furnish their advice in matters concerning their respective Departments whenever called upon to do so by the Local Board.

Certain officers entitled to attend and speak.

18. Every resolution passed by a Local Board, at a meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the President or the member who presided at such meeting or at the next ensuing meeting.

Proceedings to be recorded.

A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Board and to the Deputy Commissioner.

A copy of every resolution passed by a District Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any, and the

Government may pass such orders thereon as it may think proper and may also direct its publication in the official Gazette.

19. Every District Board, and, with the previous sanction of the District Board, every Taluk Board, may, from time to time, make rules as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of Committees;

Provided that no rule made under this section shall be inconsistent with this Regulation or with any rules made by the Government under this Regulation.

Proviso.

*Officers and Servants.*

20. (1) Every District Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to them such pay, leave allowances, gratuities and pensions as it thinks it.

(2) Every Taluk Board may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the District Board of its district thinks requisite and sufficient.

(3) In the case of an officer lent by the Government, the Local Board shall make such contributions as the Government may direct to any leave allowance, gratuity or pension which he may become entitled to in accordance with the rules for the time being in force.

(4) If, in the opinion of the Government,—

(a) the number of persons employed by a Local Board, under this section, or the pay, allowances, gratuities or pensions assigned by the Local Board to those persons or to any particular person, is or are excessive, or

(b) any such person is unfit for his employment, the Local Board shall, on the requirement of the Government, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

*Vesting of property.*

21. The Government may, from time to time, by notification in the official Gazette, direct that any property, movable or immovable, which is vested in the Government, shall vest in any Local Board; and thereupon that property shall vest in that Board for the purposes of this Regulation, subject to all rights over, and all debts, liabilities and obligations (if any) affecting that property.

Power to vest property in Local Board.

*Finance.*

22. (1) There shall be formed for each district a fund to be called the District Fund, and there shall be placed to the credit thereof unless otherwise appropriated under this Regulation:—

(i) such portion of the local cess on land revenue and of other local rates as the Government may, from time to time, assign for expenditure by District Boards in the district;

(ii) a Railway cess imposed with the previous sanction of Government at a rate not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be recovered in the same manner as the local cess and to be utilized solely in the construction of tramways and rail roads;

(iii) fines and surplus proceeds of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

(iv) ferry collections;

(v) tolls upon carriages, carts or animals passing along roads and bridges vested in the District Board, subject to such rules as to the rates to be levied, the purposes for which the net proceeds shall be applied, and other matters, as the Government may, from time to time, prescribe;

(vi) tolls and fees leviable under section 35 (1) (g).

Constitution of District Fund.



- (vii) fees for licenses granted for the temporary erection of pandals and other structures in streets and other public places in a village or for any of the purposes specified in section 35 (1) (b) at such rates and recoverable in such manner as may be approved by the Government;
- (viii) fees for the temporary use of cart-stands and of markets, market-sites, village-sites and other similar public places on the occasion of fairs and festivals, at such rates as may be fixed by the District Board;
- (ix) rents and profits accruing from buildings and other property vesting in the District Board under sections 6 and 21.
- (x) the sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen or felled therefrom;
- (xi) all sums (including assignment of revenue) assigned to the fund by the Government, or contributed thereto by local bodies or private persons;
- (xii) all sums received by the District Board in the execution of this Regulation; and
- (xiii) special cess levied with the previous sanction of the Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation.

(2) The District Fund shall be vested in the District Board, and the balance standing to the credit of the fund shall be kept in the Government Treasury of the district.

Custody of District Fund.

(3) The District Board may, from time to time, with the previous sanction of the Government, invest any portion of the District Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment for others of the same nature, or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the District Fund. It shall also be lawful for the District Board to deposit at interest with the like sanction in any bank in or outside Mysore any surplus funds in its hands.

Investment of District Fund.

23. (1) In every taluk, there shall be constituted a fund, which shall be called the Taluk Fund, and there shall be placed to the credit thereof, unless otherwise appropriated under this Regulation,

Constitution of Taluk Fund.

- (i) such portion, being not less than one-half as may, from time to time, be prescribed by the Government, of the local cess levied in the taluk;
- (ii) the sale proceeds of all property vested in the Taluk Board;
- (iii) all sums assigned to the fund by the Government or the District Board or contributed thereto by local bodies or private persons;
- (iv) all sums received by the Taluk Board in the execution of this Regulation;
- (v) special cess levied, with the previous sanction of Government for guaranteeing repayment of loans raised, or for accumulating funds for any specified purpose under this Regulation; and
- (vi) other sums apportioned by rules made by Government under this Regulation.

(2) The Taluk Fund shall be vested in the Taluk Board and the balance standing to the credit of the fund shall be kept in the Government treasury of the taluk.

Custody of Taluk Fund.

(3) The Taluk Board may, from time to time, with the previous sanction of the Government, invest any portion of the Taluk Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf and vary such investments for others of the same nature or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Taluk Fund. It shall also be lawful for the Taluk Board to deposit at interest with like sanction, in any bank in, or outside Mysore any surplus funds in its hands.

Investment of Taluk Fund.

24. (1) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters, specified in sections 8, 10 and 20, within the area subject to the authority of the District Board, and, with the sanction of the Government, outside of that area, and also to the following purposes:—

Purposes to which the District Fund shall be applicable.

the payment of such portion of the cost of—

(a) the clerical, supervising and auditing establishments employed in the offices of Government, the Comptroller and the Deputy Commissioners of Districts in connection with the operations of Local Boards, and of

(b) the Provincial Departments for education, medical aid, sanitation, vaccination and public works,

as may be held by the Government to be equitably debitable to the District Board in return for services rendered by the said establishments and Departments.

(2) The Taluk Fund shall be applicable to the payment, in whole or in part, of the charges incidental to the several matters, specified in sections 9, 10 and 20, within the area subject to the authority of the Taluk Board.

Purposes for which the Taluk Fund shall be applicable.

25. (1) Every District Board shall appoint a Finance Committee consisting of not less than three of its number.

Appointment of Finance Committees.

(2) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Finance Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

Annual estimates of income and expenditure.

(3) The District Board shall consider the estimate, and may approve of it with or without modification.

(4) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to pass, or to reject, or to modify, all or any of the items entered in the estimate; and no expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

26. Accounts of all the receipts and expenditure of every Local Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Annual accounts and audit.

27. The Local Board shall cause a copy of every estimate approved under section 25 and of every account made up under section 26 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Inspection of estimate and accounts.

28. An abstract of every annual account of a Local Board, showing the income of the District Fund and Taluk Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the Local Board in such form as the Government, from time to time, prescribes, and published annually in the official Gazette in English and in Kanarese.

Publication of abstract of accounts.

CHAPTER IV.

CONTROL.

29. (1) The Deputy Commissioner of a District shall have power to supervise the proceedings of every Local Board or Joint Committee, in the district, and in the exercise of that power may (among other things).—  
Deputy Commissioner's power of supervision.

(a) enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the Local Board or Committee, or any work in progress under its direction;

(b) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the Local Board or Committee; and

(c) require the Local Board, or Committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, whose decision shall be final.

(3) The power given under this section to a Deputy Commissioner may, with the sanction of the Government, be delegated by him, in respect of a Local Board to a subordinate officer not below the rank of an Assistant Commissioner.  
Delegation of Deputy Commissioner's power to subordinate officer.

30. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Local Board or Joint Committee, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.  
Power to suspend execution of orders, etc.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

31. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Local Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the Local Board.  
Extraordinary powers of Deputy Commissioner in cases of emergency.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund or Taluk Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers given to him by this section.

32. (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.  
Power to provide for performance of duties in default of District Board.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

33. (1) If a Local Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the official Gazette, declare the Local Board, to be incompetent, or in default; or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a Local Board is so superseded, the following consequences shall ensue :—  
Consequences of supersession of Local Board.

- (a) all members of the Local Board shall, as from the date of the order, vacate their office as such members;
- (b) all powers and duties of the Local Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;
- (c) where a Local Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the Local Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

#### RULES.

34. The Government may, from time to time, make rules consistent with this Regulation, and with reference (if necessary) to the varying circumstances of different local areas,—  
Power to make rules under Regulation.

- (a) as to the strength of each Local Board, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal, retirement, and remuneration and allowances (if any) of members and the filling of casual vacancies;
- (b) as to the conduct of proceedings of Local Boards, including the appointment and powers of the President and of the Vice-President, the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of Committees and the delegation of powers to such Committees;
- (c) as to the respective duties and responsibilities and mutual relations of District Boards and Taluk Boards and as to the matters in regard to which and to the extent to which the orders of a Taluk Board shall be subject to appeal to or to revision by the District Board.
- (d) as to the mode of entering into and executing contracts and transfers of property on behalf of Local Boards, and the authority on which money may be paid from the Funds at the disposal of the Local Boards;
- (e) as to the appointment and payment of auditors of the accounts of Local Boards;
- (f) as to the apportionment of the District Fund between the general purposes of the district and the purposes of particular parts of the district and the appropriation of funds raised in a particular area to the purposes of that area;
- (g) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Local Boards and of estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such plans and estimates for works and estimates of receipts and expenditure may be sanctioned;

- (h) as to the agency by which works partly or wholly constructed at the expense of Local Boards shall be executed; and.
- (i) as to the submission of resolutions on questions connected with the general administration of the district.
- (j) generally, for the guidance of Local Boards, Committees, and Government Officers in all matters connected with the administration of this Regulation and for settling their relations to one another.

35. (1) The District Board may, from time to time, with the previous sanction of the Government and with reference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law;

- (a) for the general or special regulation, inspection and control of musafir-khanas, markets, slaughterhouses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board;

- (b) requiring licenses to be taken and prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which such licenses may be granted refused, suspended or withdrawn for the use of any place not belonging to the District Board—

- (i) as a slaughterhouse;
- (ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;
- (iii) as a cart-stand;
- (iv) for any of the purposes mentioned hereunder:—
  - (1) for boiling or storing offal, blood, bones or rags,
  - (2) for salting, curing and storing fish,
  - (3) for storing hides, horns or skins,
  - (4) for tanning,
  - (5) for the manufacture of leather or leather goods,
  - (6) for dyeing,
  - (7) for melting tallow or sulphur,
  - (8) for washing or drying wool or hair,
  - (9) as a brick, pottery or limekiln,
  - (10) for soap making,
  - (11) for extracting oil by boiling,
  - (12) as a manufactory of sago,
  - (13) as a distillery,
  - (14) for storing hay, straw, fodder, wood, coal or other combustible material,
  - (15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire.

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimize any injuries, offensive or dangerous effect arising or likely to arise therefrom;

- (c) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughterhouse or as a cart-stand or as a burial and burning ground or for carrying out any of

For prohibiting use of other than public or licensed markets, slaughterhouses, etc;

the purposes mentioned in sub-clause (iv) of clause (b), excepting the public markets or slaughterhouses or cart-stands or burial and burning grounds constructed or opened or places set apart for carrying out any of the purposes mentioned in sub-clause (iv) of clause (b), by the District Board, or such other markets or slaughterhouses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (b) as may have been licensed in writing by the District Board;

(d) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (b) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein;

(e) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

For inspecting hotels, etc. ;

(f) preventing nuisances affecting the public health, safety or convenience;

(g) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally or in special licenses to be granted in each case.

Any person infringing any bye-laws made under this Regulation shall be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect.

36. All rules made by the Government under this Regulation shall be published in the official Gazette both in English and in Kanarese.

CHAPTER V.

EXCEPTIONAL AND SUPPLEMENTAL PROVISIONS.

37. (1) If the circumstances of any district or part of a district are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official Gazette, except the district or part of the district from the operation of those provisions, and thereupon those provisions shall not apply to the excepted district or part of the district until again applied thereto by a subsequent notification of the Government.

Power under special circumstances to except district from operation of Regulation.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official Gazette, shall have the force of law.

38. Where any land is required for the purposes of this Regulation, the Government may, at the request of the Local Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and, on payment by the Local Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Local Board.

Acquisition of land.

Penalty on member, officer or servant being interested in contracts made with or Local Taluk Board or Committee.

168 of the Indian Penal Code.

39. (a) If any member, officer or servant of a Local Board, or Joint Committee appointed under this Regulation is, otherwise than with the permission in writing of the Deputy Commissioner, directly or indirectly interested in any contract made with that Board or Committee, he shall be deemed to have committed an offence under section

(b) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company, and a Board or Committee, but he shall not take part in any proceedings of the Board or Committee relating to any such contract.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Local Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Local Board and a suit for compensation for the same may be instituted against him in any Court of competent jurisdiction by the Local Board with the sanction of the Government.

Liability of member for loss, waste or misapplication of property.

41. No action shall be brought against any Local Board or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff;

Restrictions with respect to actions against Local Boards.

And unless such notice be proved, the Court shall find for the defendant; And every such action shall be commenced within six months next after the accrual of the cause of action, and not afterwards;

And if any person to whom any such notice of action is given shall, before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

42. No act of a Local Board, or of any Committee, or of any person acting as a President, Vice-President, or member, shall be deemed to be invalid by reason only of some defect in the establishment of such Board, or Committee or on the

Acts of Boards, etc., not to be invalidated by informalities.

ground that any member of such Board, or Committee was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of President, Vice-President, or member of such Board, or Committee.

## CHAPTER VI.

### VILLAGE PANCHAYETS.

43. The Government may, with effect from such date as it may appoint, establish, by notification in the Official Gazette, for each village, a Village Panchayet having authority over the village: Provided that where the rights of the holder of an alienated village to the enjoyment of mohatarfa are affected by the constitution of a Village Panchayet, the Panchayet shall be constituted subject to such conditions and restrictions as may be imposed by the Government.

44. (1) Each Village Panchayet shall consist of such number of members not less than five and not more than nine as the Government may fix in this behalf.

Number and appointment of members.

(2) Each Panchayet shall consist of—

(a) elective members and

(b) such persons, if any, as the Government appoints either by name or official designation who shall be called "nominated members;"

Provided that the number of elective members in a Village Panchayet shall be more than one-half of the whole Village Panchayet; and

Provided also that each Village Panchayet shall consist of such number of members not less than three, and not more than seven as the Government may fix in this behalf.

45. (1) The Patel shall be *ex-officio* a member of the Panchayet.

Patel to be *ex-officio* member.

(2) If more than one village is included in the area for which a Village Panchayet is constituted, the Government shall declare whether the Patels of all or which of such villages shall be members of the Panchayet.

46. (a) A member of every Village Panchayet shall be elected to be Chairman of the said Village Panchayet. The Chairman of a Village Panchayet shall hold office for such term as the Government may by a rule under this Regulation fix.

Election of Chairman of Village Panchayet.

(b) At every meeting of a Village Panchayet the Chairman shall preside, and in his absence the members of the Village Panchayet present shall appoint one of their number to preside thereat.

47. (a) Every resolution passed by a Village Panchayet at a meeting shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman or the member who presided at such meeting or at the next ensuing meeting.

Proceedings to be recorded.

(b) A copy of every resolution passed at a meeting shall within three days from the date of the meeting be forwarded to the President of the Taluk Board.

48. Subject to the rules framed by Government in this behalf, every Village Panchayet may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the Taluk Board thinks requisite and sufficient.

Employment of officers and servants.

49. Every Village Panchayet shall, in the area under its authority, be under the control of the Taluk Board and shall have such authority and discharge such duties in respect of all or any of the following matters according to rules which may be made by Government from time to time—

Duties of Village Panchayets.

(a) the construction, repair and maintenance of village roads including cart tracks;



- (b) the planting and preservation of trees on the sides of roads and other public ground;
- (c) the lighting of the public roads;
- (d) cleansing the public roads, drains, tanks, wells and other public places in the village;
- (e) carrying out improvement work like the following:—
  - (i) constructing and repairing such tanks and wells and other works as will supply the inhabitants of the village with a sufficient supply of water for domestic use;
  - (ii) taking of measures tending for the improvement and assistance of agriculture, rural industries and trade;
  - (iii) providing facilities for travellers;
  - (iv) all other communal work connected with education, irrigation, pasture lands, village forests, village courts and any other local works or measures not otherwise provided for in this Regulation and likely to promote the health, comfort, convenience, education and interests of the public or the agricultural or industrial prosperity of the village; and
  - (v) any other matters which the Government may declare to be fit and proper to be taken under the control and administration of the Village Panchayet.

50. To enable the Village Panchayet to carry out the purposes of this Regulation all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, unless specially excepted by the Taluk Board, shall be under the control and direction of the Village Panchayet, and the Taluk Board may place under the control and direction of the Village Panchayet any other property or any institution which is under the control of such Taluk Board.

51. There shall be formed for each Village Panchayet a fund to be called the Village Fund and there shall be placed to the credit thereof:—

- (a) such portion of the local cess and mohatarfa tax as the Government may from time to time assign for expenditure by Village Panchayets in the district,
- (b) a tax on houses situated within any village not exceeding the rates to be notified by Government generally for all Village Panchayets or class of Village Panchayets or for any Village Panchayet,
- (c) fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892,
- (d) tax on vacant sites and *hittals* within the village, and
- (e) all sums assigned to the Fund by the Government or contributed thereto by local bodies or private persons.

52. A Village Panchayet may also levy, with the previous sanction of Government and subject to such rules as may be framed by Government in this behalf, a cess for any purpose specified in Section 48.

Provided that the levy of the cess is agreed to by not less than three-fourths of the members constituting the Panchayet.

The cess so levied shall be credited to the Village Fund.

53. The Village Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 48 and 49 within the area subject to the authority of the Village Panchayet.

54. (a) Every Village Panchayet shall submit annually to the Taluk Board of its taluk, on or before such date as the said Board may appoint in this behalf, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

(b) Every such budget shall be scrutinised and passed by the Taluk Board.

55. The Government may by notification apply to any Village Panchayet all or any of the provisions of sections 14, 20 (4), 29 to 33, 39, 40 and 42 of this Regulation with such modifications, if any, as it may think fit.

Power to provide for performance of duty in default of Village Panchayets, powers of Deputy Commissioner and Government as regards supervision and control.

56. (1) Every Village Panchayet shall, subject to the provisions of this Regulation, be the agent and under the control of the Taluk Board ;

Control of Village Panchayet.

(2) and the Taluk Board, and not the Village Panchayet, may sue and be sued in respect of any act or omission of the Village Panchayet, giving rise to a cause of action: Provided that, in cases where it may seem desirable, it shall be lawful for the Government to declare that the powers as regards Village Panchayets and their Chairmen, conferred by this Regulation on Taluk Boards and their Presidents, shall not be exercised by them but by the District Board.

57. Any Village Panchayet constituted under this Regulation may be invested with all or any of the powers of a Village Court, a Tank Panchayet, a Village Forest Panchayet under the respective Regulations.

Additional powers with which Village Panchayet may be invested.

58. (1) The Government may from time to time make rules for the purpose of carrying out the provisions of this Regulation.

Power of Government to frame rules:

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for:—

- (a) the strength of each Village Panchayet, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal and retirement and the filling of casual vacancies,
- (b) the conduct of proceedings of Village Panchayets, including the appointment and the powers of the Chairman,
- (c) the mode of assesment and recovery of house and shop taxes in villages, and
- (d) the guidance generally of Village Panchayets and Government Officers in all matters connected with the administration of the Regulation.

SCHEDULE:

ENACTMENTS REPEALED.

(See section 2.)

No. and year	Title or subject
II of 1902. ... ..	The Mysore Local Boards Regulation.
X of 1911 ... ..	A Regulation to amend the Mysore Local Boards Regulation, 1902.
V of 1914 ... ..	A Regulation further to amend the Mysore Local Boards Regulation, 1902.
III of 1915 ... ..	A Regulation further to amend the Mysore Local Boards Regulation, 1902.

STATEMENT OF OBJECTS AND REASONS.

Government in their Order No. 3005-55—Ml. 132-16-1, dated 16th November 1916 on the scheme for the development of Local Self-Government in Mysore directed the amendment of the Mysore Local Boards Regulation on following lines.

1. That there should be an elected majority in all Taluk Boards, the proportion of the elected element being not less than two-thirds in District Boards and one-half in the case of Taluk Boards.

2. That as a rule either the President or the Vice-President of a Taluk Board should be elected.

3. That the Taluk Board should have independent powers, subject only to the control of the District Boards, to administer and control those functions and services which are more or less localised, leaving to the District Board those functions and services which require a coordinated organisation throughout the district.

4. That the Taluk Boards should have separate funds for administration with a separate budget.

5. That the present systems of Union administration should be abolished and power taken to constitute Village Committees designated Village Panchayets whose functions will be:—

(i) Ordinary duties connected with the maintenance of roads, sanitation, water-supply, drainage etc.

(ii) Improvement Work as specified in the Village Improvement Scheme.

(iii) All other Communal Work connected with education, irrigation, pasture lands, village forest, village courts, etc.

This Bill has therefore been framed in order to give effect to the above scheme.

All sections of the present Regulation dealing with Unions have been omitted and a new chapter added entirely dealing with Village Panchayets.

*Clause 9.*—A new clause dealing with the functions of a Taluk Board and its relation to the District Board is inserted.

*Clause 10.*—Power is given under this clause to Government to transfer the management of certain institutions to any Local Board with its consent after placing the necessary funds at its disposal.

*Clause 22.*—Provision is made to levy a special cess with the previous sanction of Government for repayment of loans raised or for accumulating funds for a specified purpose under the Regulation.

*Clause 23.*—Under this clause a separate Taluk Fund is created.

*Chapter VI.*—A new chapter containing 16 sections has been added dealing entirely with the Village Panchayets.