

DIST. MUNICIPAL BILL: SUMMARY OF SUGGESTIONS AND

IS RECEIVED BY GOVT. IN CONNECTION WITH

- Report -

THE

## SECTION 58 (12).

*Arrears of taxes to be a first charge upon buildings or lands in respect of which such taxes are payable.*

The Gujarát Sabha suggest that the words "But the tax should first be realized from the sale of such moveable property" may be added at the end of clause (12) of section 58.

The Honourable Mr. James suggests—

The Select Committee should insert a new sub-clause after (12), making farmers of tolls liable to the same legal process and distraint as apply to private individuals, so as to recover arrears due from them. Farmers usually give security, and it is a question whether this should not be sufficient.

## SECTION 58.

The Kará Municipality recommend that, in addition to the provisions contained in section 58, the Municipality should have power to file suits for the recovery of taxes, similar to the power given under section 211 of the City of Bombay Municipal Act, and also power to write off irrecoverable bills, similar to the provisions of section 216 of the Act.

In connection with this subject, attention is solicited to the remarks made by the Honourable Mr. James against section 58 of the District Municipal Bill at pages 23 and 24 of the Detailed Statement of Objects and Reasons.

## SECTION 59.

*Receipts to be given for all payments.*

The Gujarát Sabha and the Ahmedabad Municipality suggest that the last words beginning with "on request" and ending with "payment" may be omitted and that the giving of receipts may be made compulsory in all cases, to serve as a check on municipal servants.

Messrs. Keshavlal, Mulehand, and Ramanbhai, and the Sátará Municipality concur in the suggestion made by the Gujarát Sabha.

The Honourable Mr. James states—

*Section 59.*—It is suggested that the last 8 words of this clause be deleted. No such reservation is made by Government in the Land Revenue Code, section 58 of which binds officials absolutely to give written receipts. The condition added in this draft will make it difficult to call men to account for not giving receipts, as they can always say they were not asked for them.

The words have been taken as they stand from the Punjáb Act, but there seems no objection to remove them.

## SECTION 61.

*Surplus funds how dealt with.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality suggest that the following explanation may be added after clause (1) of section (61) :—

“*Explanation.*—Giving loans of money on the security of public securities mortgaged with possession to the Municipality and transferred to their name, is an investment within the meaning of this section.”

They explain :—

It has been objected that loans of the nature referred to in the explanation are not authorized, and that the purchase of securities alone is an investment within the meaning of this section.

Mortgage transactions of this kind are very advantageous to the Municipality. Large balances of money sometimes lie with the Municipality uninvested. Loss is incurred in the purchase of securities and their resale when money is required for expenditure. Mortgage loans on reasonable interest can be given for any short period, and transactions of this kind are perfectly safe.

The above question lately came for consideration in connection with transactions of the above kind proposed to be entered into by the Ahmedabad Municipality. Though the Collector and the Commissioner were of opinion that these transactions were investments within the meaning of section 26 of Act VI of 1873, the Remembrancer of Legal Affairs expressed a contrary opinion. Section 61 of the present Bill is the same as section 26 of the old Act, and it is, therefore, necessary to insert the explanation proposed.

It may be noted that last year a question was submitted to Government as to whether the District Municipal Bill should legalise a practice adopted by the Ahmedabad Municipality of lending its surplus funds to capitalists on the security of Government paper up to 90 per cent. of its value, the paper being endorsed to them and the loan being recoverable at a month's call. At the instance of Government the Remembrancer of Legal Affairs has submitted the following draft for insertion as subsection 3 in section 61 of the District Municipal Bill :—

(3) Notwithstanding anything contained in this section it shall be lawful for the Municipality at any time, with the sanction of the Commissioner, to advance out of such surplus funds as are not required for current expenses, moneys by way of loan at interest, to any private person, company or firm, subject always to the following conditions, namely :—

(a) that every such loan shall be repayable within a period fixed by the Municipality which shall not exceed three months;

(b) that before any such moneys are actually advanced, the person, company or firm shall, as security for the loan, transfer by due endorsement to the Municipality public securities exceeding in value at date of the transfer, by not less than 10 per cent., the amount of the loan to be advanced by the Municipality, and that such public securities shall, on default by the person, company or firm in payment, according to the terms of

the loan, of principal or interest or both, be saleable by the Municipality at the risk of such person, company, or firm.

In submitting the draft the Remembrancer of Legal Affairs has stated that the proposal that a Municipality should lend to private persons, whatever may be the security offered, is entirely without precedent, that such transactions would be opposed to the general scope of the purposes for which Municipal Corporations are constituted, that risk of loss may possibly arise from borrowers depositing, as security, documents over which they have control as trust funds only, and that loans by Municipalities to private speculators may tend to introduce much faction and intrigue among the councillors in whom the power to afford such accommodation would be vested.

In his minute, dated the 15th December 1899, the Honourable Sir Charles Ollivant stated that he did not pledge himself to support the modification and was rather inclined to agree with Mr. Batty, but that as it had the impress of the Honourable Board it might as well go to the Select Committee for discussion. He remarked that it would be desirable to hear what the Select Committee had to say about the amendment, and that if he then retained the opinion he had already formed, he would bring the subject again before the full Board.

The Honourable Mr. James states in his Detailed Statement of Objects and Reasons that if the Select Committee are inclined to recognise the Ahmedabad practice it will probably be desirable to confine it to securities of the Government of India, which are always negotiable.

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## SECTION 62.

*Duties of Municipalities.*

Section 62 makes it among other things obligatory on every Municipality to establish and maintain public hospitals and dispensaries, to give medical relief, to give relief, and establish and maintain relief works in time of famine or scarcity, and to pay the salary and the contingent expenditure on account of such police or guards as may be required to be on duty at any premises vested in the Municipality. Section 64 requires every Municipality to make provision for lunatics and lepers. Mr. K. N. Kher is of opinion that many of the Municipalities are too poor to bear these burdens. Attention is solicited to the remarks made against section 64 by the Honourable Mr. James in the Detailed Statement of Objects and Reasons.

## SECTION 62 (c) AND (f).

*Cleansing of streets and removal of obstructions therefrom.*

The Karáchi Municipality make the following remarks with reference to clauses (c) and (f) of section 62:—

As regards the cleaning of open spaces not vested in the Municipality and the removal of obstructions therefrom in section 62, there is no reason whatever for making the Municipality responsible for looking after the waste lands belonging to Government, and the Committee therefore suggest the elimination of the words "whether such spaces are vested in the Municipality or not" in clause (c), and the words "whether such spaces are vested in the Municipality or belong to Her Majesty," in clause (f). It seems rather unfair that the Government which secures exemption itself from house-tax and octroi, as proposed in section 40, should at the same time impose obligations relating to their own property upon the Municipality, which in the case of individuals owning such property would be performed by them.

The Honourable Mr. James states—

Section 62 (c).— "Cleansing of all open spaces not being private property, whether such spaces are vested in the Municipality or not."

An objection to the last ten words has been taken on the ground that it would require the Municipality to do the scavenging of a place like the court-yard of Surat Castle. Government settled many years ago, on the recommendation of the three Commissioners, that this amendment should be introduced into the Act whenever its revision was undertaken. The proposal is based on the grounds that places belonging to Government, which the Municipality would have to keep clean, will be few in number, that the cleansing of them will not be costly, and that as they are within municipal limits and can best be looked after by the municipal conservancy establishment, the Municipality may fairly be required to undertake a duty which is for the general benefit of the inhabitants, and which has hitherto been carried out without any objection. The Municipality is far more interested than Government in keeping such places clean and in a sanitary condition. The Government, on the other hand, have no organisation for employing for the purpose, which throughout the whole Presidency would be an extremely costly arrangement. As a matter of practical politics the spaces are gene-

rally small and the municipal sweepers can remove rubbish from them without any additional cost to the Municipality. Government therefore adhere to this amendment of sub-clauses (c) and also (f).

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SECTION 62 (f).

*Removing obstructions from public streets.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality are of opinion that the words "public streets or places" should be altered to "streets, public places." They state that Municipalities ought to have the power to remove obstructions and projections even in streets which do not fall within the definition of "public streets".

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SECTION 62 (n).

*Accommodation for calves, &c., required for the supply of animal lymph.*

The Sanitary Board suggest that the words "and also for the performance of vaccination" may be added to clause (n) of section 62. This seems to have been provided for by clauses (m) and (n) of section 62.

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SECTION 62 (o).

*Dispensaries.*

Mr. M. E. Pereira says—

There is a dispensary in Bándra called the Sir Kavasji Charitable Dispensary. Jehangir Readymoney Charitable Dispensary. It is endowed by Sir Kavasji Jehangir by Rs. 10,000 and by public subscription amounting to Rs. 9,500. Government contributed towards the help of this dispensary, but now they have totally withheld. I suggest that it should be legalised that Government should contribute some part of the expenditure, as the institution is in many ways useful to Government, that is, *post-mortem* examination, examination of plague patients and plague deaths, &c. Also when there are epidemic diseases outside the municipal town, the services of this Doctor are utilised to apprise Government of the correct situation of the village.

It will be seen from section 62 (o) of the District Municipal Bill that it is the duty of every Municipality to make adequate provision out of the municipal property and fund for establishing and maintaining public hospitals and dispensaries and providing public medical relief. No grant is at present given by Government to Sir Kavasji Jehangir Readymoney Dispensary. Government give grants to dispensaries whenever they think proper.

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## SECTION 62 (o).

*Establishment and maintenance of public hospitals and dispensaries.*

The Gujarāt Sabha suggest that in section 62 (o), instead of the words "public hospitals," the words "municipal hospitals" may be substituted, and that the words "and providing public medical relief" may be omitted. They state that the word "public" in section 62 (o) may include hospitals such as the civil hospital in Ahmedabad, which is intended for a larger public than that comprised within the municipal area of the city.

The Ahmedabad Municipality approve of the first suggestion made by the Gujarāt Sabha.

## SECTION 62 (p).

*Suppression and prevention of dangerous disease.*

Under section 62 (p) it is the duty of every Municipality to provide special medical aid and accommodation for the sick in time of dangerous disease and to take such measures as may be required to prevent the outbreak of, or to suppress and prevent the recurrence of the disease. Mr. L. V. Joshi comments on this section as follows:—

Taking measures to prevent and suppress dangerous epidemics like the plague, and opening relief-works in time of famine like the present, were hardly thought up to now to be the duty of a local Municipality rather than an unavoidable obligation on a Provincial or an Imperial Government. The Honourable Mr. James says that the "clause requiring Municipalities to meet the charge for epidemic is one that already existed." It is quite true that the clause did exist, but an epidemic like the plague, which necessitates an unbearably heavy expenditure, did not exist when the above clause was framed. The Government knows too well what money is required to be used in keeping out and stamping out an epidemic like plague. And the poor Mofussil Municipalities will never be able to meet such a heavy expenditure. Another ground of complaint in this respect is that in most cases Government is likely to take money for plague purposes from Municipalities and keep the management of plague measures wholly in their own hands. If money and management are in the same hands, the amount of expenditure will be considerably less. It is the experience of the last four years that municipal money and Government management do not pull on well. For the latter has emptied the former of all its contents in most cases. But even if the management of plague measures is entrusted to the hands of Municipal authorities, still the expenditure for plague measures is in all cases likely to be more than what the Municipalities can bear. It is, therefore, earnestly requested that this unbearable burden of plague expenditure should be removed from the heads of Municipalities.

The Gujarāt Sabha make the following remarks with reference to section 62 (p):—

Section 62, Clause (p). The words "dangerous disease" in the first portion of this clause should be omitted and "epidemic disease" substituted instead. The present Act has the words "epidemic disease." The words "danger-



ous disease" have been defined in sub-section 16 of section 3 of the present Bill as "cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered." The Bill, by putting the word "dangerous" in lieu of "epidemic," increases the burden of expenses on a Municipality, which ought to come out of Imperial revenues. However, if the clause is to be retained at all, the first portion of it should be worded in the following way, namely:—

"Providing special medical aid and accommodation for such sick persons in time of dangerous disease as are habitually resident within the municipal district." A modification like the one suggested above will be equitable and fair, as in cases of dangerous disease a Municipality ought not to be called upon to provide special medical aid and accommodation for foreigners."

The second portion of clause (p) of section 62 deserves to be omitted. This portion would include the taking of preventive measures by a Municipality on railway stations or on roads leading from one municipal district into another. Expenses for these measures ought to be borne by the Government. Besides, it is well known how the resources of several Municipalities that had to incur expenses in consequence of the outbreak of plague were strained to the utmost, and Government had to come to their aid to relieve them from financial embarrassment. The above-mentioned clause is, therefore, unnecessary also from this point of view.

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality concur in the view expressed by the Gujarát Sabha with regard to the second portion of clause (p) of section 62.

#### The Sátára Municipality remark—

*Section 62 (p).*—In the clause a new phrase 'dangerous disease' is introduced, and a very wide signification and scope are given to the expression in section 3 (16). Recent experience has shown that the measures required to be taken for the prevention and suppression of such a dangerous disease as plague have cost enormous sums of money in every municipal town where it has broken out. This expenditure has been quite out of proportion to municipal income and resources, and Government have been obliged to come to the aid of the Municipalities concerned, with large grants of money amounting to several *lakhs*. With such bitter and recent experience it is not wise to leave the liability of Municipalities in this respect indefinite and almost unlimited. This Municipality, therefore, respectfully urges that the liability of Municipalities in regard to this, and to the famine relief (q) should be limited to a certain proportion of their income, as suggested by the honourable mover, and, in the opinion of this Municipality, one-tenth of the income, including balances, would be as much as Municipalities can afford to spare, and Government should bear the rest of the expenditure. Such dire calamities as famine and plague are national concerns, and the expenditure required for their suppression and prevention should justly be borne by the Imperial Treasury.

#### The Karáchi Municipality state—

So far as dangerous diseases are concerned (clause p of section 62), the plague has brought into prominence the question as to how far the Municipality is financially able and should on general grounds provide for the cost of meeting such extraordinary burdens as are imposed by epidemics of plague. Experience has shown that it is beyond the financial capacity of even the most advanced Municipalities to bear the strain of the expenditure. In Karáchi, in consequence of plague and plague expenditure, taxation has been temporarily raised to the high figure of Rs. 5-2-10 per head,—a figure that is admittedly unprecedented, and will have to be lowered

at a not distant date. The Committee, therefore, beg strongly to urge that the Government should recognise that plague is an Imperial charge, and would further point out that the continuance in the policy of burdening the Municipalities with plague charges will not only disable them from carrying out sanitary improvements, like drainage, relieving congested and over-crowded areas and reclaiming unhealthy localities, but also would hamper them considerably in carrying out in an efficient manner their ordinary duties, such as conservancy, road repairs, lighting, &c. In Karáchi, expenditure in respect of these has had to be curtailed, and grants for education have had to be reduced considerably,—a course that will not be safe to continue for any length of time.

The Honourable Mr. James observes—

*Clause 62 (p)*, lines 63 to 65.—This is new, but only imposes a duty on Municipalities which all have loyally recognised in the late epidemic of plague, and is reasonable.

### SECTION 62 (q).

#### *Establishment and maintenance of relief-works in time of famine or scarcity.*

Section 62 (q) prescribes that it is the duty of every Municipality to give relief and establish and maintain relief-works in time of famine or scarcity. Mr. L. V. Joshi objects to this section on the following grounds :—

The other duty imposed upon Municipalities is in connection with the establishment and maintenance of relief-works in time of famine or scarcity. If there is any degree of injustice, this clause is the most unjust of all. That it is new is admitted even by the Honourable Mr. James. The insertion of this clause raises the fundamental question as to what duties are to be performed by Municipalities and what by the Government. If relief-works are to be maintained by Municipalities, why should not a portion of the land revenue, the question may be legitimately asked, be annually handed over to them. The Government is to receive the proceeds of the land. The Government is to receive the proceeds of the income-tax, intended to meet the expense incurred on account of famine; but when the time to spend money for famine works arises, the Government comes forward with an enactment that Municipalities should establish and maintain famine relief-works. This is unfair. Again, if new burdens are thrown on the shoulders of Municipalities, they, in their turn, will levy new taxes and thus ultimately the rate-payers will have to suffer. They have to pay taxes to the Government for famine and they will have to pay taxes to their Municipality for famine relief-works, and in spite of all the taxes the poor will have to suffer and starve for want of food. The Honourable Mr. James remarks that although the clause about relief-works appears to be new, still it is not quite new. For the clause exists in the Act of the Punjab. If the precedent of the Punjab Act is to be repeated in inserting the clause, why should not the precedents of the remaining Presidencies in the Municipal Acts, whereof there is no such provision or clause, be more repeated by not inserting the clause in the present Bill? But the honourable member who introduces this Bill himself explains why this simple logic has been abandoned. The simple logic has given way to a mandate from Simla. For the honourable member says the "Government of India has requested us to put it in this Bill." There is a greater cause for disappointment on the part of the petitioners when it is learnt that the suggestions about the insertion of this clause proceeded from a Government which is presided over by a liberal statesman like Lord Curzon. But

whether the Government of India suggests or the Government of Bombay invents this obnoxious clause, people will take it for what it is worth. And the verdict of the people is almost unanimous in condemning the malicious principle involved in it. The inhabitants and rate-payers of Mahád, therefore, are confident that this clause will receive the treatment that it deserves at the hands of the members of the Select Committee.

The Gujarát Sabha and Messrs. Keshavlal, Mulchand, and Ramanbhai also suggest that section 62 (g) may be omitted.

The Ahmedabad Municipality also think that the clause should be omitted, and that Municipalities may be given discretionary powers under section 65 to undertake some of the relief-works.

The Karáchi Municipality state—

It will be noted (clause g of section 62) that whereas contribution to famine relief and famine works is merely a discretionary duty under the existing Act, it is proposed to render the granting of such relief and maintenance of relief works as obligatory on the Municipality. This is a burden which would be absolutely impossible to bear, and the Committee is at a loss to understand that Government, which is even ready to bring the sanitary needs of a Municipality to notice (too much emphasised of late in Karáchi), should endeavour to throw off Imperial charges on to the shoulders of Municipalities.

The Sátára Municipality observe:—

*Section 62 (g).*—This is a voluntary and optional duty under the present law. It is sought to be made a compulsory duty. The reasons set forth in the last para. apply with even greater force to the relief of famine. Government have been levying taxes for famine relief, and have created a special famine insurance fund, and have been ungrudgingly and liberally spending vast sums on famine relief. If a part of this burden is now thrown on the comparatively small Mofussil Municipalities with limited incomes, it will have the effect of dislocating and embarrassing their finances, and render them powerless to effect any improvement, or even to carry on efficiently their ordinary duties. A limit similar to the one suggested in the last para. (29) should be set to their liability, in this regard.

The Honourable Mr. James remarks—

*Section 62 (g).*—This is taken from the Punjab Act and has been inserted at the express instance of the Government of India. However, I invite the Select Committee's attention to section 2, clause 2, of Act XII of 1897, which was especially inserted at the instance of a member of the Imperial Legislative Council on behalf of Bengal, where the District Municipal Act does not permit municipal funds being applied to the relief of famine, and it is a question for the consideration of the Select Committee how far the Bombay Legislature can go in furthering the Government of India's wishes. In the Punjab, subject to certain first charges, the Local Government may make rules as to the priority to be given to the several duties of the committees, and the municipal fund shall be applicable to the relief of famine within the Municipality and with the sanction of the Commissioner outside the Municipality. I venture to think we can hardly go so far as that, and that some limit should be prescribed, if the Select Committee accepts the principle. Perhaps it might be enacted that the Municipality should be bound to relieve sufferers from famine who are habitual residents in the municipal area only, or some words might be put in implying that it shall relieve famine within its area and only to such extent as its means allow. But the matter is one for thorough discussion. It would ruin Municipalities if the system that was adopted under the Epidemic Diseases Act were followed, viz., of Gov-

ernment expending large sums in the suppression of famine and debiting them to the Municipalities concerned, and it might very seriously affect the credit of the Municipalities, who very often have pledged almost all their available resources to repay large loans for sanitary works undertaken at the direct instance of Government or its officers. It will be noted that the relief of famine is under the present law discretionary with Municipalities in the Bombay Presidency.

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#### SECTION 62 (p) AND (q).

The rate-payers of Sâtara make the following remarks with reference to section 62 (p) and (q):—

Section 62 (p) (q) enlarges the sphere of the duties of Municipalities and to a certain extent legitimately. But in both these matters rural and urban areas are so largely interdependent on each other that vague and absolute obligations of the nature herein created are sure to tend to place unequal burdens on Municipalities. In this sense both calamities are of Imperial concern and may be treated as such. Besides, mofussil Municipalities with their limited taxing capacities can hardly find funds to meet adequately such great calamities. Provision might, the Sâtara people humbly submit, be made in the Act in suitable terms for calling in the co-operation and aid, both in service and money, of a Municipality according to its capacity in times of such emergency—aid which they have hitherto willingly and readily rendered.

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#### SECTION 62 (t).

*Salary and contingent expenditure on account of police guards required to guard municipal premises.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality think that the words "required to be on duty at any premises vested in the Municipality" in clause (t) of section 62 should be altered to "required by the Municipality to be on duty at any premises vested in them". This alteration is suggested with a view to make it clear that the clause does not mean that the Municipalities are to bear charges for the police force maintained within their limits, but only that the Municipalities are to pay for such police guards as they ask for.

The Karáchi Municipality remark—

As regards clause (t) of section 62, which relates to the disputed question of police charges, ever since 1884, the cost of police has been an Imperial charge; the Municipality is entitled as much as ordinary citizens to the service of the police; whereas, under this section, they might be made to pay even for this ordinary service; the Committee are of opinion that, while the Municipality would no doubt pay for any police employed solely for a special property belonging to them, it should be made clear that the Municipality is not to pay towards the maintenance of the ordinary police force.

The Honourable Mr. James remarks—

Section 62 (t).—The Municipalities, like other large employers of labour, require occasionally police to guard their offices, works, &c., and it is necessary to specifically legalise their power to do so. Otherwise expenditure by them on police is illegal. Perhaps the word 'premises' might be expanded, to allow Municipalities to guard sewerage works under construction, gardens, &c.

## SECTION 62 (n), (p), (q), (t).

The Nadiád Municipality make the following remarks with reference to clauses (n), (p), (q) and (t):—

Clauses (q) and (t) should be omitted entirely from the section. Add to clause (p) the following proviso:—

“ Provided that the duty and power of no Municipality will extend to bearing any share of the expenses that may be incurred in taking costly steps from preventing the disease from travelling outside the municipal limits.”

Clauses (n) and (p) should be omitted from this section and put under section 65, which gives discretionary powers to Municipalities.

Famine is either an agricultural or a national calamity and its expenses must be met from the Land Revenue or the Imperial Revenue. In fact, the income tax was started for this purpose. There is neither reason nor justice in diverting the municipal revenues into this channel. Of course there will be no objection if Municipalities are entrusted with parts of the Imperial Revenues and asked to manage them for famine relief.

The old Act does not provide for police charges and the Municipalities are not able to bear this expenditure. The words of the section are also very vague so as to throw the whole burden of police within municipal limits.

Ordinary subjects are entitled without special contribution to good police arrangements, and there is no reason for treating Municipalities differently.

As regards police charges, attention is solicited to the Honourable Mr. James's remarks against section 62 (t).

## SECTION 63.

*Power of Government to require contributions for portions of high roads, &c., within municipal districts.*

Mr. M. E. Pereira, a member of the Bándra Municipality, states that there are Government roads passing through the municipal limits, and that though these roads are repaired by Government, yet the sweeping, lighting and watering are carried out to some extent by the Municipality. He thinks that Government should give in return a subsidy to the Municipality. In connection with this subject, attention is solicited to section 63 of the District Municipal Bill and the following remarks of the Honourable Mr. James on that section:—

*Section 63.*—It was decided upon, some years ago, that the responsibility of Government Local Boards and Municipalities should be defined as regards high-roads going through a municipal district. Occasionally, it may happen that Government must provide through the Public Works Department for the maintenance of a high-road in a municipal district, and in such case, as the road is used principally by the rate-payers, it is only right that the Municipality should pay for it. The proviso at the end of the clause lays down the procedure that will usually be adopted.

The Karáchi Municipality strongly object to the imposition of fresh burdens on Municipalities in the shape of contributions towards the maintenance of trunk and other roads.

## SECTION 64.

*Provision for lunatics and lepers.*

The Gujarát Sabha observe that the present District Municipal Act does not provide for lepers, and that it is the duty of Government, and not of a Municipality, to provide for lepers and lunatics. They therefore suggest that section 64 may be omitted. Messrs. Keshavlal, Mulehand, and Ramanbhai, and the Ahmedabad Municipality concur in the suggestion made by the Gujarát Sabha.

The Karáchi Municipality also object to section 64.

The Nadiád Municipality suggest that in the first part of section 64 the word "may" may be substituted for "shall" and "approves" for "prescribes". They remark that it is better to allow the matter to rest with Municipalities.

The Sátára Municipality think that the maintenance of lepers and lunatics should be made optional as under the present law and included in section 65.

The Honourable Mr. James states—

*Section 64.*—See the remarks made in the speech on the introduction of the Bill:—

"Then about lunatics and lepers. This has been under discussion and was settled some eight or ten years ago when the Bill was first being talked of. I think the main author of it was Sir Raymond West, a gentleman whose name, I know, commands respect here. The fact is, if there is no reason why the city should look after lunatics and lepers, there is no earthly reason why the tax-payers should. In England, if I am not mistaken, the work is entirely done by the rate-payers. Here the Government has in its humanity spent the taxes on lunatics and lepers ever since I came to this country, but gradually the relief of these poor people should, it is thought, be placed on the rates. It is not a clause that the Government lay supreme stress on, but I am merely stating the reasons for which it is being inserted. It is perfectly obvious that if there are 300 lepers and 300 lunatics in a certain area, that the burden of maintaining these by the Government, that is to say, by the provincial tax-payers, is very heavy indeed; whereas if it is spread over a large number of boroughs, it is almost an unappreciable burden to them. Therefore, it is not merely with a view to harassing the Municipalities that this provision has been inserted."

The support of lunatics in the Punjáb is a first charge on the Municipality, that is to say, the "expenses of pauper lunatics sent to public asylums from the Municipality, such as in the opinion of the Local Government ought to be paid by the Committee." In 1895, after the sitting of the Leper Commission, the Government of India came to the conclusion that the municipal law should be altered so as to enforce municipal responsibility in regard to pauper lepers. Bengal Act V of 1895 recognises the duty of Municipalities to maintain lepers. Local legislatures, it is submitted, must on questions of general policy fall in with the declared policy of the Supreme Government. There is nothing, it may be observed, in the present Bill which enacts that one of the first charges against a municipal fund shall be "such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the Committee in return for services rendered to it," but that is the law in regard to Punjáb Municipalities.

## SECTION 65 (e).

*Payment of establishment and other charges incidental to the maintenance of the Courts of Magistrates.*

The Karáchi Municipality make the following remarks with reference to section 65 (e) :—

Under section 65 one of the discretionary duties of the Municipality is (*vide* clause e) to provide the establishment rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate. In 1884 Government decided what charges they should bear, and one of them was Court charges. Municipalities are entitled as much as ordinary citizens to have their work done by Courts, and they ought not to be put to any extra special expenditure for the same. Though the duty is discretionary, in practice it becomes compulsory, and therefore the Committee have expressed an opinion that the principle underlying this section is objectionable.

The Honourable Mr James states—

Section 65 (e).—Possibly the wording of this may require alteration. See the mover's reply to the debate on the Municipal Bill :—

"I am afraid it must be rather badly drafted, and, if so, the Select Committee must amend it. Personally I do not look upon it in the way that the honourable member does. The intention of Government is certainly not that any Municipality should pay for Magistrates. The Government pays for all stipendiary Magistrates, and appoints honorary Magistrates. Government keeps all of them under its own control. Very often a Municipality says, 'We have got a large number of municipal cases, encroachments, it may be, or of refusal to pay taxes. We would like them to be run through in a month or two; there are a great many in arrears.' Then the local authorities say, 'We are very sorry, but our officials are full up with work and can only take the cases up by degrees.' The Municipality replies by offering to supply an establishment to do the necessary clerical work, and suggests that a special Magistrate be appointed; then an honorary Magistrate is found; or we put a stipendiary on special duty. He carries out the work, and the Municipality pays only for the small establishment that he requires. We pay the Magistrates ourselves any stipend that is due. The other day, at Ahmedabad, we put on a stipendiary Magistrate for municipal cases. There is not the slightest intention of imposing a new burden in the shape of the pay of Magistrates on Municipalities."

Perhaps the Select Committee can make the intention of Government more clear.

## SECTION 65 (f).

*Destruction or detention of dogs.*

The Nadiád Municipality are of opinion that clause (f) of section 65 should be omitted for the following reasons :—

It is not a very great burden on Municipalities, but it is against Hindu religion to be party to killing animals. The minds of pious men in Municipalities, are very much injured when such a question comes before them. To leave the killing to the police would secure the object of Government more efficiently and less unpopularly, while the expense is trifling.



The Honourable Mr. James states—

*Section 65 (f).*—The destruction of superfluous pariah dogs provided for by the Bombay District Police Act, 1890, is in some Deccan towns already paid for by the Municipality on account of the nuisance caused to shopkeepers by the dogs, and to prevent hydrophobia. In some towns in the north of the Presidency there is a prejudice against taking animal life. The Madras Act is drastic :—

“*Section 230.*—The Municipal Council may, and if so directed by the District Magistrate shall, from time to time, cause to be notified by beat of drum or otherwise that pigs and dogs found straying within certain limits will be destroyed.

“(2) Pigs and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the Magistrate of the district may direct.”

It is proposed therefore, at the option of the Municipalities, to legalise payments for the destruction of dogs, and also, when prejudice against spending municipal funds on that object is strong, to permit the Municipality to pay for the expense of feeding such as are detained by the police under section 49 of the Police Act, pending their being reclaimed or destroyed.

#### SECTION 65 (i).

*Discretionary powers of expenditure of Municipalities as regards public reception, ceremony, entertainment or exhibition.*

The Gujarát Sabha and the Ahmedabad Municipality think that the words “with the previous concurrence, in the case of City Municipalities, of the Commissioner, or in other cases of the Collector” may be omitted, as Municipalities which will exercise unfettered powers of discretion in other matters may be expected to use their sound discretion in public receptions, entertainments or exhibitions also.

The Honourable Mr. James remarks—

*Section 65 (i).*—This was recommended some years ago by the Committee of Divisional Commissioners. Some municipal purists object to the expenditure of the rate-payers' money on occasions of public rejoicing, e.g., a visit of His Excellency the Viceroy or His Excellency the Governor, or the opening of a public work, for want of specific legal authority. On the other hand, while a Municipality may well spare a little money to give a fitting reception to distinguished visitors, security is taken in the sub-clause that the rate-payers' money will not be squandered in receptions to mere travelling politicians and the like, funds for whose entertainment should be provided by their admirers.

#### SECTION 65 (i).

Line 38.

Add word “address” after the word “reception”.

Reasbvious.

## SECTION 67.

*Power to require repair of private streets and to declare such streets public.*

Section 67 empowers Municipalities to require the owners or occupiers of streets, not being public streets, to repair them, and that when the work has been done to declare the streets public streets. Mr. K. N. Kher states that this is unjust.

With regard to clauses (3) and (4), the Gujarāt Sabha make the following remarks :—

Section 67, sub-sections (3) and (4) give to Municipalities extraordinary powers that are not justifiable. A Municipality ought to meet the expenses mentioned in sub-sections (3) and (4) from the general fund. It would be inequitable to call upon individuals to pay such expenses from their pockets. The injustice of such a step becomes still more apparent when, after such expenditure has been incurred by individuals, the Municipality should quietly step in under clause (4) and claim the street to be a public one. Moreover, sub-section (3) empowers a Municipality to call upon even "occupiers" of adjacent lands to contribute to the expenses. The word "occupier" is nowhere defined in the Bill. It may, therefore, include a tenant, and under sub-section (3) a tenant who is in temporary occupation, or who is not likely to be in permanent occupation of particular lands, may have to pay his contribution towards the repair of a street in which he has no more than a passing interest.

The Sātara Municipality state—

*Section 67 (3).*—This sub-section should be omitted. The cost of levelling, paving, metalling, &c., should be met from the municipal funds. It is inequitable to do the work at the expense of private owners or occupiers, and then as soon as the work is done, declare under sub-section (4) the street a public one. "Occupiers" again have only a temporary interest in a private street, and it is hardly just to call them to contribute towards its permanent improvement. The proper course is for the Municipality to declare it a public street, under the circumstances mentioned in sub-section (3), and do the necessary repairs to it.

The Nadiād Municipality make the following remarks with reference to sub-sections (3), (4) and (5):—

It may be desirable in some cases to turn private streets into public. But it seems that the owners should have some compensation for the loss of their private rights. The clauses not only do not provide for any compensation, but curiously go to the length of actively compelling the owners to spend money after the street and as a next step at once enable the Municipalities to appropriate the street without paying for the improvement. This would be gross injustice and must be provided against.

This Municipality also suggest that the following words may be inserted at the end of sub-section (4) of section 67 :—

"provided that the said streets consists of more than ten houses."

They observe that section 67 gives too much power to Municipalities and that some limit should, therefore, be fixed as to their power.

The Honourable Mr. James states—

*Section 67 (3), (4), (5).*—See remarks on clause 3 (12). These sub-sections are intended to clear up for ever the doubt

as to the Municipalities' powers to enforce cleanliness and sanitation in 'pols' and courts. If the owners cannot, or will not, combine to do the work, the Municipality will do it for them, and when the work has been done, or indeed at any time, the Municipality may declare the street a public street, provided the majority of owners do not object. If the owners do object, the Bill will not confiscate their rights, but in every case they will be subject always to the right of the Municipality to enter the 'pol' and see that it is properly cleansed. In some of the residential quarters in London, such as the Duke of Bedford's estate in Bloomsbury, a number of the streets still, I believe, vest in the Duke as private streets, but for all intents and purposes their drainage and conservancy is exactly the same as in the rest of London.

*Parsons*

**SECTION 67 (2).**

*Line 25.*

For the words "in perpetuity" substitute the words "for an indefinite period".

Reason obvious.

**SECTION 67 (3).**

Omit

The works should be done at the cost of the Municipality when the owners and occupants of such places pay the municipal taxes like other owners and occupants in a municipality.

## SECTION 68 (3).

*New streets.*

The Karáchi Municipality observe :—

Section 68 relates to the approval of the Municipality being obtained prior to the making or laying out of new streets, and sub-section (3) contemplates the work being taken in hand without such approval in certain cases, namely, the failure of the Municipality to pass orders on the proposals submitted within one month, or to the issue of an *ad interim* order or demand for further particulars. The Committee recommend that the language should be made clearer, so as to provide that such orders should be communicated to the party concerned, and not merely "passed" or "issued".

## SECTION 68 (4).

The Nadiád Municipality make the following remarks with reference to clause 4 of section 68 :—

The fine of Rs. 1,000 being in addition to the expenses recoverable is excessive even as the maximum limit. This will be especially so felt when attention is drawn to the fact that the section imposes the liability for simply evading or disobeying the provisions of the section irrespectively of the questions whether the Municipalities have issued just or unjust directions and whether the private individual has a claim to compensation or not for the demolition of a structure erected *bond fide* and on one's own property at perhaps considerable expense. There must be occasions and cases where such people ought equitably to have some reasonable compensation if the Municipality insists upon its strict rights under this section on finding its position improved by the omissions of ignorant or negligent owners or by the contributory negligence of Municipality and its servants. There ought to be some provision for allowing persons so aggrieved to get just relief.

The Honourable Mr. James remarks—

Section 68 (2), (3), (4).—These give Municipalities for the first time the power to enforce the construction of streets according to a proper plan and with due regard to sanitary necessities, and sub-clause (4) gives the Municipality the power to enforce their orders.

~~gone~~ SECTION 68 (4).

*Line 58.*

Substitute the words "two hundred" for "one thousand".

The fine appears to be very heavy. The Municipality has, besides, power to demolish the work done. A light fine will, therefore, do.

## SECTION 69 (1) (a).

*Projecting or receding buildings.*

The Nadiád Municipality propose that the words "or when fresh permission to rebuild is applied for" should be inserted at the end of clause (a) of sub-section 1 of section 69 and that the following proviso should be added at the end of sub-section (1):—

"Provided that such permission once granted but not acted upon shall not, upon a second application, be regranted upon more favourable terms except by the votes of a majority not being inferior in number to the numbers present at the previous permission."

They state that the proposed addition is necessary, because some persons try to cheat the Municipality by asking permission to rebuild, and that when they are told that so much portion is to be set back, they sit quiet for a long time and seek another opportunity for getting permission.

## SECTION 69 (1) (b).

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that the words "or is in such a condition as to entitle the Municipality to take action under section 89" may be added after the words "has fallen down" in clause (b) of sub-section (1) of section 69.

They remark—

The Municipality can take action under this clause, as it stands, only when the building or projecting part has been taken down, burned down or fallen down. "Taken down" in this provision means "taken down by the owner". The Municipality cannot set back the building when they have themselves under section 89 pulled down the building in consequence of its ruinous or dangerous state. House-owners are generally unwilling to set back their buildings, and cases have occurred in which, with the view of avoiding the provisions of set-back, persons have deferred pulling down dilapidated walls till the Municipality took action in the matter or have rebuilt the upper portions of their buildings without taking down the greater portion thereof, for under the existing law the permission of the Municipality under section 33 of Act VI of 1873 is not necessary before commencing the building of such upper portions only.

Messrs. Keshavlal, Mulchand and Ramanbhai and the Ahmedabad Municipality are of opinion that the words "by written notice" should be inserted between the words "require" and "either that the part" in the para. below clause (b) of sub-section (1) of section 69. They state that the clauses for the execution of orders and punishment for their disobedience contained in sections 122 (b) and 123 require that a written notice should have been previously issued under a power conferred by Chapter VIII.

## SECTION 69 (2).

*Land not vesting in the Municipality.*

Section 69 (2) empowers the Municipality to take possession of any land not vesting in them which lies within the regular line of a public street. There is no provision for compensation in this case. Mr. K. N. Kher states that justice requires that compensation should be made to the owner.

The Gujarát Sabha also take the same view.

The Sátára Municipality are of opinion that provision should be made for giving compensation to the owner of a platform, verandah, &c.

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality propose that the following proviso should be added to clause 2 of section 69 :—

“ Provided that the Municipality shall pay the owner the market value of the land so acquired if the same is not vested in Government.”

The Honourable Mr. James observes :—

Section 69 (2) is taken from the Bombay Act and allows the Municipality to widen its road where the land is not built over. A suggestion has been made that compensation should be given, but it is not provided for in the Act from which the section is taken. It has been suggested that the word “existing” should be put before the word “regular” in line 40. The Select Committee no doubt will consider this proposal. It would appear better, however, not to insert ‘existing’ without also adding the words ‘or determined upon for the future’.

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## SECTION 70.

*External roofs and walls made of inflammable materials not to continue without the consent of the Municipality.*

Section 70 (2) prescribes that the owner of any building, which has an external roof or wall made of inflammable materials, shall not allow such roof or wall to remain after the coming into force of the Act, except with the written consent of the Municipality. The Gujarát Sabha and the Ahmedabad Municipality think that at least three months' previous notice should be given by the Municipality to the owner of such building directing him to remove such roof or wall. They therefore suggest that the words "after three months" may be inserted after the words "to remain" in sub-section 2 of section 70.

The Sabha are also of opinion that the fine of Rs. 10 per day prescribed in section 70 (3) is heavy and may be reduced.

The Ahmedabad Municipality suggest that the word "one" may be substituted for "ten" in sub-section 3.

The Sátára Municipality state—

*Section 70 (3).*— A daily fine to the extent of Rs. 10 levied on the owners of grass huts, or of houses with grass choppers and walls, who are generally very poor people, such as day-labourers, and low class artisans, whose daily earnings do not exceed 4 annas, is out of all proportion to their ability, and will be very unmerciful. Either the provision for a daily fine should be omitted, or the amount reduced to one rupee.

The Karáchi Municipality observe:—

Section 70 prohibits roofs and external walls of buildings being made of inflammable materials, and sub-section (2) makes it compulsory on owners of existing buildings which, at the time this Act comes into force, has a roof or external walls made of such materials, to obtain the written assent of the Municipality to allow the same to remain. The Committee think that the process laid down in sub-section (2) should be reversed; instead of the owners in question obtaining the consent of the Municipality, they should be liable to remove the inflammable materials when called upon to do so by the Municipality.

The Honourable Mr. James states that section 70 strengthens the existing law as to the use of combustible materials in the construction of houses.

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that in order to avert the danger arising from structures of inflammable materials the Municipality may be authorized to require their removal or alteration. They, therefore, propose that the following clause may be added to section 70:—

"(4) The Municipality may by written notice require any person who may contravene or cause or allow to be contravened the provisions of sub-sections (1) and (2) to remove or alter a roof or wall of the above-mentioned description in such manner as they may think fit."

## SECTION 72 (1).

*Notice of new buildings.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality suggest that the following proviso may be added at the end of clause (1) of section 72 :—

Proviso.—The permission issued under this sub-section shall not remain in force if the proposed building-work is not commenced within six months from the date of its issue, and the holder of such permission shall be under the obligation of giving a fresh notice and obtaining a fresh permission if he intends to commence any work thereafter.

## They state—

Some Municipalities have at present made by-laws to the effect similar to this proviso with regard to permission to build granted under section 33 of Act VI of 1873 which corresponds to the present section. The legality of such a by-law has been doubted by the High Court. The proviso is necessary to allow the Municipality an opportunity to reconsider the case of the proposed building if the building is not commenced for a long time at the end of which new circumstances might have arisen requiring new changes for sanitary and other purposes.

A misconception generally prevails to the effect that notice is required to be given to the Municipality only for structures abutting on streets and not for those within private compounds and premises. Section 33 of Act VI of 1873 has been interpreted by Municipalities to this effect. Notice should, however, be necessary to be given to Municipalities in the case of all structures. Cases in which stables, *chawls*, &c., are built within private compounds must be brought to the notice of the Municipality to enable them to prevent insanitary and insalubrious structures.

They therefore propose that the following further explanation should be added (the existing explanation being called Explanation 1).

“*Explanation 2.*—The provisions of this section apply whether the building proposed to be erected, altered or added to abut on a street or not.”

The Honourable Mr. James states that section 72 is a very important one and that the following comment has been made upon it by the Commissioner, N. D., who is a member of the Select Committee :—

“This section is the point at which a Municipality often comes into collision with the people, and no amount of care spent in giving it clear and reasonable expression would be misplaced. It is not wise to impede little improvements, such as painting and petty repairs, or to encourage underlings to harass, but at the same time it must not be forgotten that the average householder is keen on using every little alteration as a cover for encroachment. He will not lose the chance, if he can get it, of filching an extra six inches of gable or door step. The main difficulty is to make it clear when notice is necessary and when it is not. Explanations (b) to (g) in the draft may do, except that I would suggest in (e) the insertion of ‘of ventilating’ between ‘sanitary’ and ‘arrangements’. (g) perhaps leaves too much latitude, for according to its terms the whole of the upper stories might be pulled down and rebuilt on the same but very faulty system without notice being given. The real *crux* is explanation (a) and I cannot feel satisfied that it will put an end to difficulties. It will at least



necessitate another series of Court decisions as to what are 'material' and what not. Must a man give notice if he means to make a door-way or if he means to exchange an existing door of junglewood for one of teak? Apart altogether from the law, I should say that in the former case he ought to give notice and in the latter he need not, but they would both apparently come under explanation (a) for a change of one wood for another is nothing if not a *material* alteration. Again, the substitution of a tiled for a corrugated iron roof is a 'material' alteration, but it might be argued that explanation (g) implies it is exempt from necessity of notice, being a re-erection of a part of the building short of the plinth. Apart from the law I should say it has nothing to do with the Municipality whether the roof is of tiles or of iron, but yet notice should be demanded, because I do not believe the ordinary householder, if uncontrolled, could resist the temptation to push the new eaves for an extra foot over the public road.

"At present I am not prepared to suggest any improvement on the draft explanations except the slight one with respect to (e)."

Another comment by the Commissioner, N. D., is the following:—

*Note on Section 72 of the Draft District Municipal Act  
(Section 33 of the old Act).*

This is a difficult section. Strictly no part of the external fabric of a house should be touched without notice, because the householder of this country will not mend a door-sill or repair a broken wall without trying all he can to encroach under cover of the work. On the other hand we ought not to discourage little improvements by harassing and delaying them.

2. In the section as drafted, explanation (a) does not square with clause (1).

Clause (1) runs—"Before beginning to erect any building or to alter externally or add to any existing building."

By explanation (a) "to erect a building" includes any material alteration or enlargement, and by explanation (f) it includes the addition of any rooms, buildings, or other structures.

Here the words singly underlined of clause (1) and the two explanations of the words doubly underlined overlap each other. Is it intended that the words singly underlined in clause (1) should refer to immaterial alterations and additions?

3. The word "material" in explanation (a) is not quite the right one, though I cannot suggest a better. It is vague, and a new line of litigation and judicial decisions will be necessary to define what it means and what it does not mean. It will be a very difficult word to translate into the vernacular. Etymologically it includes changing a door handle and replacing a bit of mud flooring with a slab of stone or a brick or two. The draft is severer than the old law. External alterations and all additions continue to be forbidden without notice. Besides these, internal alterations are forbidden if "material". But there are many internal re-arrangements which it is quite unnecessary to interfere with, though they would be fairly described as "material". Surely explanation (e) will cover all such internal changes as it concerns a Municipal Inspector to pry into.

4. I should have expected a tendency in the draft to relax the old law rather than to make it stricter. The

words of clause (1) will include putting a coat of paint on a door post. As a matter of fact, however, I doubt if they have worked more inconveniently than any other form of expression that could be devised. *De minimis non curat lex* is freely applied.

5. That being so, I should be inclined to keep closer to the old law. It is not quite satisfactory, but can anything better be substituted? There is a strong presumption in favour of forms to which people have become used, on which rules and practice have been based, and which have been more or less clearly interpreted by judicial decisions.

The following suggestions are submitted:—

1. Retain clause (1) as in the draft. It is the old law.
2. Omit explanations (a) and (f). Retain the others.
3. In explanation (g) add "or ground" after "plinth" in two places.
4. Omit the last clause beginning with "and a building so altered."

6. *Reasons.*—As said above, if the draft is logically drawn, explanation (a) only covers material internal alterations (external alterations and all additions being already provided for in clause (1)). But explanation (e) is sufficient to cover internal alterations.

Explanation (f) is already included in the words "or add to any existing building" in clause (1).

The proposed addition to explanation (g) is necessary for houses which have no plinth and for walls. The High Court has held that under the present law, a notice is not necessary for rebuilding a wall. As a fact it is, for there is no commoner or easier method of encroaching on the public road than letting a wall fall down and then building it up a few inches or feet outside the old line.

The last clause of the section seems to be superfluous, as the phrase "a new building" is nowhere else used in the body of the chapter.

The Honourable Mr. James is of opinion that the experience of Bombay will not admit of the omission of the last clause as recommended.

*James*  
SECTION 72 (1) (b).

*Line 45.*

Add "the ownership of the land to be built upon or enclosed" after the word "with".

This power is required to enable Municipalities to go into the question of ownership to disputed lands and thus to prevent encroachments on public lands.

SECTION 72, Exp. (e).

Line 145.

Add "ventilation" after the word "arrange-  
ments

Any change affecting ventilation ought to be  
brought to the notice of the Municipality in the  
interest of public sanitation.

SECTION 72, Exp. (f).

Line 147.

Add "and" after "rooms".

This is only to make the meaning clear.

SECTION 72, Exp. (h).

Add a new clause "(h) putting up or renewing  
a fence or enclosure round an open space."

This provision is necessary with a view to en-  
croachments on public lands being prevented.

## SECTION 72 (4).

Mr. John N. Greaves, Member of the Bándra Municipality, suggests that section 72 (4) should be amended to the following effect :—

In case of contravention of section 72, clause 4 (1) (2), the Municipality shall make formal complaint to the local Magistrate. The local Magistrate should be authorized to issue an order *immediately*, pending further investigation, that the building work be stopped at once and, further, that the local police be instructed by such order to see that the order of the Magistrate is strictly enforced. Provision to be made in the Act for any resistance to, or defiance of, the police authority.

He gives the following reasons for the amendment of this section :—

As soon as a person applies for permission to build, he generally commences operation in anticipation of sanction (or actually builds without even applying for permission to build). Here the municipal trouble begins. The Municipality *directs* the work to be stopped, but the builder takes no notice and the work of building is energetically proceeded with. As no notice is paid to the *direction*, the Municipality proceeds to summons the offender before the local Magistrate, who after a lapse of time inflicts a fine, but meantime the building is finished. Thus, practically, building rules are of little or no effect as we know from our experience. True, the Municipality may get an order to demolish the structure, but District Municipalities have not the staff requisite for such work, and, in any case, the work of demolition would in most cases probably lead to a breach of the peace.

The Honourable Mr. James states—

*Section 72 (4).*—It has been represented by an influential ratepayer of Bándra that this section is not strong enough even yet. Persons habitually disregard altogether the law and the orders of the Municipality—hurry on with their building, in spite of orders to stop, and then when the building is completed, or nearly so, urge the great hardship it would be if the whole building had to be pulled down.

I suggest, therefore, for the consideration of the Select Committee that words should be added empowering the Municipality to apply to the Magistrate for a policeman to carry out their orders prohibiting the construction of the building being proceeded with until the Municipality had issued its final orders.

The Gujarát Sabha and the Sítára Municipality state that the fine of Rs. 1,000 prescribed in section 72 (4) is exorbitant, and that a maximum fine of Rs. 100 will be sufficient.

## SECTION 72 (5).

*The Municipality may inspect the erection of any building and require the person erecting it to amend anything done contrary to the provisions of the Act, &c.*

The Gujarát Sabha state that the words "or at any time not later than three months after the completion thereof" may be omitted. They observe that a power to inspect a building or work during its erection or execution may be justifiable, but that a power to do so within three months after the completion of the building or work and to get it amended, will be an instrument of needless severity.

## SECTIONS 69 AND 72.

*Projecting or receding buildings and construction  
of new buildings.*

The Sanitary Board are of opinion that there should be an absolute prohibition against building outas in front of shops or houses over roadside drains, and that, if possible, the removal of those now built should be enforced; that it is hopeless to expect Municipalities to prohibit this themselves, as many of the municipal commissioners want them for themselves, or their friends. They state that in every up-country town of any size, the roadside drains are so covered in for long distances continuously, and that not only this is an encroachment on the road, but is a serious danger to the public health, as it is impossible to clean out such covered in drains which become putrefying cesspools. They are, therefore, of opinion that in the interest of the public generally this should be forbidden by law.

*Proposed* SECTION 73.*Line 2.*

Add "or to cause or allow to be erected on his land" after the word "erect".

This change is required for holding the owner of land responsible for huts thereon.

*Line 29.*

Add "or to provide such drains, privies, and urinals" after the word "them".

The Municipality should have power to call on the persons concerned to make provision for these, as it is their duty to do.

## SECTION 74 (1).

*Improvement of huts.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality state that huts require improvement in the matter of ventilation even when they are not crowded together. They, therefore, suggest that the following should be added after clause (c) of sub-section 1 of section 74 :—

“(d) of unsatisfactory ventilation.”

## SECTION 75 (3).

*Provision of privies, &c.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality are of opinion that the following words should be added after the word "premises" in sub-section (3) of section 75:—

"or the owners or occupiers of buildings situated in any locality and using a common privy."

They remark—

In Ahmedabad there are *panch* privies which are used by the *panch* or residents of a particular locality or street and are situated, not in any building or premises, but on street land. It was attempted by the Ahmedabad Municipality to compel the persons using a privy of this kind to make a roof over it under section 36 of Act VI of 1873. On the matter going to a court it was held that a *panch* privy could not be said to be a privy on the premises of the owners or occupiers of the buildings the residents of which owned and used the privy, and that, therefore, the section was inapplicable. The present section contains the same wording as that of the old Act, and it is, therefore, necessary that the Municipality should have power to abate the nuisance caused by *panch* privies.

SECTION 76.

*Lines 1 and 2.*

Omit the words "in or near any street".

This qualification is not necessary; the Municipality should have control over all houses alike.

*Sufficient drainage of houses.*

The Gujarát Sabha make the following remarks with reference to section 76 (1):—

Section 76, sub-section (1). "And if there be such means of drainage within one hundred feet, &c." In the foregoing sentence, the expression "one hundred" should be changed to "fifty". To construct or lay a drain or pipe for the distance of a hundred feet would be expensive. Such expense should, therefore, be borne by a Municipality, private owners being called upon only when the pipe or drain is not to be laid for a distance of more than fifty feet. The Sabha think such a course equitable to both sides.

The Ahmedabad and the Karáchi Municipalities express similar views.

The Sanitary Board suggest that the following sentence may be added to section 76 (1):—

"All such house connections for privies or bath-rooms, as regards the general drainage scheme, are to be carried out by, or under the control of, the Municipality; and the cost may be recovered from the owner, or occupier, as a public improvement under section 124 (1b)."

They state that the experience of Karáchi, Rangoon and Bombay shows that the success of a drainage scheme depends in a larger measure on the house connections; that to be efficient and satisfactory these ought to be on a uniform plan, both as regards materials and construction; and that no opening ought to be left for ill-advised economy on the part of the owner, as defective house-connections will certainly cause illness in the occupiers of the house. They observe that privies and bath-rooms are always against the *outside* wall of a house, and that the interior arrangements will not therefore be interfered with.

The Honourable Mr. James observes that undoubtedly the law regarding house connections ought to be as strong as possible and that the Select Committee will no doubt consider the proposal. He invites attention to the following:—

Section 36 (1) (p) is of absolute necessity for towns where scientific systems of drainage are being carried out. It is a question whether this sub-clause as it stands might not be improved and made absolutely clear in the last two lines by adding the words "or house-connections" between the words "municipal water-works" and the words "and private communication pipes".



## SECTION 78.

*Municipal control over drains, &c.*

The Karáchi Municipality observe—

The Act apparently does not give the Municipality power to close existing insanitary cesspools, unless it is deemed that such power is given under section 105. As it has been by experience found absolutely necessary that the Municipality should be empowered to close these old cesspools, the language of section 78 or section 105 should be made clearer.

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## SECTION 80 (1).

*Powers of Municipalities for making drains.*

The Gujarát Sabha and the Ahmedabad Municipality are of opinion that Municipalities ought not to have the power of carrying drains, sewers, &c., under a cellar, vault or land owned by a private person unless the consent of such owner is obtained. They therefore propose that the words beginning with "or under any cellar or vault" up to the end may be omitted. They observe that if the power of the nature referred to is deemed urgently necessary, a Municipality should be required to acquire the cellar, vault or land by payment of compensation under the Land Acquisition Act.

The Honourable Mr. James states that section 80, which is based on section 222 of Bombay Act III of 1888, is essentially necessary for any Municipality that introduces a drainage scheme.

## SECTION 82.

*Power to close existing private drains.*

Messrs. Keshavlal, Mulchand, and Ramanbhai state that there is no provision for the recovery of the expenses incurred in executing the work referred to in section 82. They, therefore, propose that the following sentence should be added at the end of this section :—

“The expenses of such work shall be recoverable from the owner or occupier of the building or premises in the manner hereinafter provided.”

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## SECTION 84 (1) (a).

*Removal of projections.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality suggest that the word "public" occurring before the word "street" in clause (a) of sub-section (1) may be omitted. They state that, in large cities like Ahmedabad, the construction of houses and the position of streets are such that overcrowding is already a source of danger; that a majority of houses are situated in *pols* which are not public streets, and that the tendency to make encroachments on street lands is generally prevalent. They remark that for sanitary reasons it is necessary that the Municipality should have power to remove projections, encroachments and obstructions in all streets, whether public or not.

## SECTION 84 (3).

*Permission necessary for certain projections.*

Messrs Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality are of opinion that in sub-section (3) of section 84 the words "permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof" should be altered to "permission with such conditions as they may deem necessary to owners or occupiers of buildings in streets to put up open verandahs, balconies, rooms, weather-frames, eaves or wings, to project from any upper storey or roof thereof."

They remark—

The breadth of streets in a city like Ahmedabad is not uniform and the height of houses is also varying. The Ahmedabad Municipality have made by-laws directing that projections should be allowed only to such an extent that the distance between the eaves of two opposite houses is not lessened below eight feet and that all projections should be at least twelve feet high from the level of the road. The legality of these by-laws has been called in question. It is, therefore, necessary that the Municipality should have the power to lay down conditions under which permission to make projections may be granted.

The expression "public streets" is to be altered to "streets" for the reasons given above.

It is usual and necessary to put up weather-frames for protection against wind and rain. Again the construction of houses current in the country requires that roofs should have eaves projecting beyond the front walls, and that where a neighbouring roof is not contiguous the roof should have "wings" on two sides projecting beyond the side walls. In some cases these "wings" also project in streets. Municipalities have made by-laws regulating the construction of these structures as they sometimes cover a great part of the street. There is no clear provision in the law for the exercise of this power, and, therefore, it is necessary to add the words "weather-frames, eaves or wings". The latter two words require the addition of the word "roof".

Khán Bahádur S. Sadikali, Deputy Collector and President Shikárpur Municipality, states that Municipalities are at present practically powerless in the matter of controlling the erection of projecting eaves to buildings which, while not obstructing

free passage, &c., in the streets and lanes, do impede the circulation of air and the penetration of the sun's rays, and are thus from a sanitary point of view objectionable. He suggests that the word "eaves" should be added after "rooms" in clause (3) of section 84 of the Bill. The Commissioner in Sind is of opinion that the best plan would be to insert in clause (1) (a) of section 84 after the words "passage along such street" the words "or to obstruct the proper circulation of air in such street" and in clauses (3) and (4) after the word "balconies" to insert the words "eaves, cornices" in each sub-clause.

The Sanitary Board suggest that any projection of any part of a house over the road-side limit should be prohibited by law. They state that in many cases a man builds a balcony or an upper storey to his house, projecting over the street to the hindrance of traffic, and that if he is a rich or influential man he gets the injunction delayed until it is time-barred. They observe that as this has repeatedly occurred, it is not sufficient to leave the matter in the hands of the Municipality in most cases.

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality are of opinion that the following paragraph may be added at the end of sub-section 3 of section 84:—

"The permission granted as above shall cease to have effect after the lapse of one year from its date, and it shall be incumbent on the owner or occupier to apply for a fresh permission if he has not executed the work within such period."

They remark that this provision is necessary to empower Municipalities to reconsider the question when the permission has not been acted upon for a long time during which the condition of the street may have altered.

A similar provision has been suggested for permission under section 72 (1).

#### SECTION 84 (4).

*Penalty for putting up verandahs, &c. without permission.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, the Ahmedabad Municipality are of opinion that the words "or rooms without such permission" in sub-section 4 of section 84 should be altered to "rooms, weather-frames, eaves or wings without such permission or contrary to the orders of the Municipality."

The alterations proposed in sub-section 3 of section 84 require these alterations.

The Ahmedabad Municipality also suggest that the words "one rupee" may be substituted for the words "five rupees" in sub-section 4 of section 84, and that the following may be added to that sub-section:—

"(2) Any person opposing, obstructing, removing or damaging such erections shall be liable to a fine which may extend to twenty five rupees."

## SECTION 85.

*Regulation of hedges, trees, &c.*

Mr. K. N. Kher makes the following remarks with reference to section 85 :—

Section 85 empowers the Municipality to require the owner to cut down any tree that overhangs, endangers or obstructs, or is likely to overhang, endanger or obstruct any public street. Of course, a tree that endangers or obstructs, or is likely to endanger or obstruct any public street, must be cut down; but if it simply overhangs it, it should not deserve the fate of being cut down. Besides, an overhanging tree is useful in giving shade to the street, and the provision that it may be cut down for overhanging seems to be inconsistent with the provision laid down in section 65 (b) for planting and maintaining road-side trees.

The Nadiad Municipality suggest that the words "two feet" may be substituted for "four feet" in section 85.

Section 85 is a reproduction of section 43 of Bombay Act VI of 1873, with slight verbal alterations.

## SECTION 86.

*Fixing of brackets, &c., to houses.*

Messrs. Keshavlal, Mulchand, and Ramanbhai suggest that the following paragraphs may be added at the end of section 86 :—

“The consent of owners, occupiers or neighbours shall not be necessary for such erections or fixtures.

“(2) Any person opposing, obstructing, removing or damaging such erections shall be liable to a fine which may extend to fifty rupees.”

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## SECTION 87.

*Naming streets and numbering houses.*

The Gujarát Sabha and the Ahmedabád Municipality suggest that the words "and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon" occurring in section 87 (2) may be omitted. They state that there is no reason why an owner or occupier should be required to keep the municipal number over his house in good order at his expense when it is the duty of the Municipality to do so, and that it is still less justifiable to punish him for his not doing it.

The Sátára Municipality express similar views.

Section 87 is merely a reproduction of section 45 of Bombay Act VI of 1873.

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## SECTION 88.

*Penalty for defacing building, &c.*

The Reverend Mr. Cecil S. Rivington makes the following remarks with reference to section 88:—

Unless anything that in the opinion of the Municipality is indecent, seditious, or liable to cause annoyance is written up, why should not the owner of the house take action and not the Municipality? Has this section ever been acted on?

The Honourable Mr. James states—

Section 88 is new and is designed to prohibit the disfigurement of public buildings and walls by placards and advertisements. It is taken from section 328 of the Bombay Act. As the prosecution of the bill poster would in many cases be infructuous, it is for the Select Committee to consider whether the employer of the bill sticker should not be also held responsible. The Government considered the proposal and rejected it. It has also been suggested that the Municipality might be exempted from being prosecuted as regards its own posters.

*None* SECTION 88.

Omit the whole section.

It may be left to the owners to protect their properties in future in the best way they can, as they did hitherto.

SECTION 89.

*Line 1.*

the word "wall" by "any part  
pe  
makes the section more comprehen  
si

SECT

*I*

Add "when the water  
poses" after the word "

This limitation is n  
water is not so used, th  
to interfere with the so

## SECTION 91 (1).

*Displacing pavements, &c.*

The Sátára Municipality observe—

*Section 91 (1).*—Injury to municipal lamp-posts and lamps, public stand-pipes, aqueducts, water-works, telephone-wires &c., is common, and the offender cannot be punished. Such injury causes serious inconvenience to the public, and in the case of aqueducts and water-works may endanger life and property. It is suggested, therefore, that provision for this should be made in this section.

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*Section*

SECTION 92, (1) AND (5).

*Lines 9, 12, 47.*

Add after the word "street" "or publ  
space".

Needs no remarks.

SECTION 92 (1) (5).

*Line 49.*

Substitute for the words "not more than four  
days" the words "as many days as the Municipality  
thinks proper".

The length of the period may be left to the dis-  
cretion of the Municipality.

## SECTION 92 (1).

*Obstructions and encroachments.*

The Gujarát Sabha and the Ahmedabad and the Sâtára Municipalities state that the limit of fine (Rs. 25) prescribed by section 92 (1) is high and that it may be reduced to Rs. 5.

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that the words "or merchandise" in sub-section 1 of section 92 may be altered to "merchandise, dust, earth or building rubbish" for the following reasons :—

The addition proposed is necessary to cover the case of the deposit in streets of earth, brick-bats, &c., dug out at the time of erecting buildings. Such cases are not covered by section 97 (1), for, generally, earth, &c., dug out on such occasions is spread out on roads, so as to spoil the level of roads, but not so as to cause "nuisance" within the legal meaning of the word. The consequence of earth, &c., being thrown over roads in this manner is that in the monsoon the flow of rain water is obstructed and mud is collected on roads. It is the duty of persons building houses to cart away such rubbish.

It is suggested in line 5 that the words "or diki" should be added. The Honourable Mr. James states that the words "verandah" and "otlas" or "ota" have been added, so as to explain the existing law and to make it more certain, and that the amendment does not create any new offence.

## SECTION 92 (2).

The Nadiad Municipality are of opinion that the following words may be inserted after the word "encroachment" in sub-section 2 of section 92 :—

"and may take custody of the obstructing materials subject to such rules for their return or disposal as may be made by it."

They observe—

This section provides for removing any obstruction or encroachment on a street, but it makes no provision for the place where the removed thing should be kept. It so happens that ignorant and obstinate persons do not take possession of the things removed, and in some cases the owners are not found at the time of removal. If the Municipality in the absence of owners or on account of their indifference throw away the things in some distant corners it incurs the risk of paying compensation, and if it keep them in their possession it has more to fear the criminal law.

## SECTION 92 (4).

The Gujarát Sabha are of opinion that the words "and in the case of an encroachment with further fine which may extend to 10 rupees for every day on which the encroachment continues after the date of first conviction for such offence" occurring in clause 4 of section 92 may be omitted, as the provision for a daily fine will press heavily on the persons infringing the provisions of that clause.

The Sabha also observe that if sub-section 4 is retained, the following explanation should be added at the end of that sub-section :—

“ Nothing in this sub-section shall affect the power of the Municipality to remove earth, sand or other materials from or make occupation of any public street or space vested in the Municipality, or make any officer or employé of the Municipality and acting under their orders liable to any penalty for anything done on such public streets or spaces.”

The Sátára Municipality state—

Section 92 (4).—It appears from the wording of the sub-section that the “ open space,” from which earth, sand, &c., is removed is Government property, and an officer of Government will have to prosecute the offender. If so, it is not clear why it is put in a Municipal Act. The property not being vested in a Municipality, it will have no *locus standi* in a court of law.

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality are of opinion that sub-section (4) of section 92 should be omitted for the following reasons :—

This sub-section imposes a new duty upon the Municipality. It is evidently meant for the protection of open spaces belonging to Government, and there is no reason why the Municipality should be required to watch over removals and encroachments of the kind referred to in this sub-section and conduct prosecutions in the matter. Section 92 is about obstructions and encroachments in municipal streets and spaces, and this subject is unconnected with removal of sand, &c.

The Karáchi Municipality remark—

Section 92, sub-section (4), if followed literally, would seem to permit of Government officials authorising the removal, say of sand, from any open space belonging to the Municipality. This can hardly be the intention of the framers of this Act, and the Committee have therefore expressed an opinion that in the case of land vested in the Municipality, Government should not interfere; for instance, in Karáchi, the Executive Engineer should not have power to order his contractor to remove sand from the Lyari River bed.

The Honourable Mr. James states that clauses (3) and (4) have been taken from Madras Act I of 1884, section 331, to prevent pits being dug and nuisances caused in waste lands, within a Municipality's limits.

## SECTION 93 (2).

*Boards to be set up during repairs, &c.*

The Gujarát Sabha and the Ahmedabad Municipality suggest that the fine of Rs. 50 prescribed by clause 2 of section 93 may be reduced to Rs. 25, and that the fine of Rs. 10 per day prescribed by the same section may be reduced to a fine of Re. 1.

*The Sátára Municipality state—*

It may be observed, once for all, that the fines both for the first conviction and for the daily continuance of the offence mentioned in the sub-sections of sections 92 and 93, and also in many other sections, are pitched rather too high. The scale may do well for the rich Presidency cities, but is wholly unsuitable for small Mofussil towns. Nothing would be lost by reducing the fines 50 per cent.; otherwise they are likely to cause great hardship.

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*Boona* SECTION .

*Line 3.*

Add "any other thing" & "material".

This extends the scope of the necessary degree.

*Line 4.*

Add "public open space" after.

Needs no remarks.



## SECTION 95 (1).

*Timber not to be deposited or hole made in a street without permission.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that after the words "and such permission shall be terminable at the discretion of the Municipality" in sub-section 1 of section 95 the following may be added :—

"and shall be subject to such conditions as to amount of space, payment of fees for rent, charges for removal of materials by the Municipality, if necessary, and other matters as the Municipality may prescribe."

The reasons for this change are as follows :—

It is always necessary to prescribe how much space in the street shall be used for the purposes mentioned in this section. Municipalities charge rent for permissions granted under this section, and it is necessary that there should be distinct legal authority for such a charge. Sometimes persons obtaining such permission make default in removing materials placed in streets, and the Municipality have to clear the spaces occupied. The Municipality should have, therefore, power to recover expenses incurred by them in the matter.

The Gujarát Sabha and the Ahmedabad Municipality state that the fine of Rs. 10 per day prescribed by clause 2 of section 95 should be reduced to Rs. 5.

SECTION

*Line 5.*

Add "or neighbours" after  
"gers".

Needs no remarks.

ION 96 (2).

*Line 25.*

to the end of the section.

Municipality should have power

to take steps in the interest of public

safety.

## SECTION 96 (1).

*Dangerous places.*

The Sanitary Board make the following suggestions with regard to section 96 (1) :—

“ We consider that a Municipality should have power over vacant unused places, privately owned, whether built upon or not, which the owners neglect to keep in sanitary order. In many cases a great nuisance arises, the owner is absent, the plot gets overgrown with prickly pear, &c., and is used as a resort for natural purposes; there is no fence or wall to keep people and cattle out, and the owner is difficult to find. We suggest that the fixing of a municipal notice (calling upon the owner to put his plot in proper order by a certain date) by a municipal servant, upon any part of the plot which is in an insanitary condition, be held to be sufficient notice to the owner; and that upon the expiry of the date fixed, the Municipality need only prove the service of the notice as above, and can then enter upon the premises, and carry out the improvements needed to prevent its being a nuisance; and the plot should become municipal property, and remain so until the owner pays up the sums due to the Municipality for what has been done to his property; after a certain number of years without redemption, the property should belong absolutely to the Municipality.”

Attention is solicited to paragraph 19 of the report of the Sanitary Board on the town of Khed, marked off in Compilation 559 of 1898.

## SECTION 96 (2).

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that after the words “ Provided further that ” in sub-section 2 of section 96 the following words may be added :—

“ in cases where the quarry or place is not vested in Her Majesty.”

They remark that the Municipality ought not to be made liable to put up hoards and fences round Government quarries.

SECTION 97.

*Line 9.*

U ✓ Add "or public or private open space" after the word "street".

Needs no remarks.

*Line 13.*

Add "or that of a nála" after the word "bank".

Needs no remarks.

*Line 16.*

Add "or suffers" after the word "permits".

This word is necessary to hold the principal or other members of the family responsible for the nuisance; the word "permit" has been taken to mean leading a child to a street and then allowing it to commit a nuisance; while what should be prevented is even negligently leaving it to the child to go into a street for the purpose.

*Line 18.*

Add "or open space, gutter, or drain" after the word "street".

Needs no remarks.

## SECTIONS 97—103.

*Powers for the prevention of nuisances.*

The Sanitary Board state that a quicker and more summary legal procedure is needed for punishing people who commit nuisances. They therefore recommend that the members of the Municipality be made Honorary Magistrates within the municipal area and sit in twos or threes, once, twice or three times a week as the municipal president may decide. They state that any fines which may be imposed should carry also costs in addition, to be shared by the Municipality and the Court. They observe that the president, vice-president and chairman of the Municipality should scrutinize from time to time, and if necessary revise, the list of punishments. They invite attention to paragraph 20 of their report on the town of Khed which was inspected in 1897.

Mr. W. A. Chambers states that Municipalities require summary powers in order to deal with petty offences.

## The Karáchi Municipality observe—

The question was raised whether the repeated throwing of water upon streets was a nuisance. At present difficulty has been experienced to obtain conviction, as it must be proved that the water was offensive. The Committee are of opinion that repeated throwing of water by occupiers of houses upon streets should be declared a nuisance.

The Bill apparently does not contain any provision regarding the nuisance caused by washing carriages on public streets. As this is a source of nuisance, specially by livery stable-keepers, the Committee are of opinion that provision ought to be made to remedy the nuisance.

*Doona* SECTION 98.  
Line 7.

Add "or public open space" after the word "street".

Needs no remarks.

SECTION 99.

*Non-removal of filth.*

The Ahmedabad Municipality suggest that the words "one rupee" may be substituted for "five rupees" in section 99, as the penalty appears to be heavy.

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## SECTION 101 (1).

*Filthy buildings, &c.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality think that in the proviso at the end of sub-section 1 of section 101 the words "they may further prohibit" should be altered to "they may by written notice further prohibit." They state that in order to make sections 122 (6) and (123) applicable in the event of non-compliance with orders issued under the proviso, it is necessary that the prohibition should be by a written notice which the Municipality is authorized to issue.

## SECTION 101 (2).

*Deserted and offensive buildings.*

The Sanitary Board suggest the following amendments in section 101 (2) :—

"In each place where 'building' is mentioned, add 'or land'.

"After the words 'to cause such building to be taken down and the materials thereof to be removed' add 'or the land to be enclosed and kept in proper order.' Also at the end of this sub-section add:—'and in the case of land the Municipality may take steps to put it into a sanitary state and administer the property until such expenses are recovered as aforesaid'."

*The Karachi Municipality state—*

The Municipalities are empowered under section 101, sub-section (2), clause (a), to demolish deserted buildings which have become the resort of vagrants, loafers, or disorderly persons, and under clause (b) such buildings as are used for any insanitary or immoral purpose. As it will be necessary to take evidence in order to determine whether any building fulfils these conditions, and as the Committee have recommended the elimination of the clause under section 36 relating to prostitutes, on the ground that it relates to a duty of the police, the Committee recommend that the whole of clause (a) and the words "or immoral" in clause (b) be deleted.

*The Sátára Municipality state—*

Section 101 (2) (a), (b) and (c).—The minimum of "seven days" notice is too short; it should be "a fortnight, if not a month," especially the buildings, in question, being deserted, the owners are likely to be absent from the town. In every town there are always hundreds of such buildings, ruinous and deserted, the owners having left on account of plague or other calamities. No provision is made for the disposal of any balance, that may be left, after selling off the materials of such buildings. It should be kept to the credit of the owner for a year at least.

The Honourable Mr. James states that it is a question whether section 101 (1) does not give the Municipality sufficient power over land in an insanitary condition.

## SECTION 102.

*Power to enter and inspect, &c., buildings.*

In section 102 the power to enter and inspect buildings and to direct any part to be internally and externally limewashed has been given to the president, vice-president and any officer authorized by the Municipality in that behalf. The Gujarát Sabha and the Ahmedabad Municipality think that, if such power be also given to a councillor similarly authorized by the Municipality, it is not likely to be abused. They therefore suggest that in section 102, after the words "It shall be lawful for the president, vice-president, or any officer," the words "or councillor" may be added.

*Naana* SECTION 104.

*Line 4.*

After the word "stream" add "whether running or not".

Needs no remarks.



## SECTIONS 102, 112 (1) AND (2) AND 127.

The Sítira Municipality suggest that the words "and the chairman of the managing committee" may be added after the word "vice-president" in sections 102, 112 (1) and (2) and 127, as the chairman of the managing committee is the principal executive officer in all the Mofussil Municipalities.

## SECTION 107.

*Tethering cattle, &c.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality think that the words "or to cause nuisance" should be inserted after the words "public traffic" in section 107. They remark that this addition is necessary "to prevent owners of cattle tethering their cattle in streets at night for nuisance as is sometimes done."

The Nadiad Municipality suggest that the words "so as to obstruct or endanger the public traffic therein" in section 107 may be omitted for the following reasons:—

Cases have occurred in which defaulters have been acquitted by the Magistrates taking advantage of this phrase. Everywhere all roads cannot be of uniform width and in some instances there are to be seen nooks and corners in which if cattle are tethered it does not obstruct the public traffic, but it is a public nuisance which ought to be removed. To meet this objection the omission has been suggested.

## SECTION 107.

*Line 5.*

Add "or public open space" after the word "street".

Needs no remarks.

*Lines 5, 6, 7.*

Substitute the words "without the permission of the Municipality" for the words "so as to obstruct or endanger the public traffic thereon".

It should be left to the Municipality to determine where to allow tethering of cattle in open public spaces.

## SECTION 108 (1).

*Consumption of smoke.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that the words "or fire-place" may be added after the word "furnace" in sub-section 1 of section 108 and that the words "constructed or altered" may be altered to "constructed, altered or provided with a chimney or some other contrivance of such plan as the Municipality may deem fit", for the following reasons:—

The word "furnace" has not been defined in the Act. The Ahmedabad Municipality having attempted to regulate the consumption of smoke in the manufacture of sweetmeats, it was held by a Magistrate that the manufactories of sweetmeats are fire-places and not furnaces and that therefore the Municipality could not take action under section 65 of Bombay Act VI of 1873. These manufactories of sweetmeats are on a large scale, a great volume of smoke issues from the places at the time of manufacture, and in their present state these manufactories are a real nuisance to their neighbourhood. There is a street in a thickly populated part in Ahmedabad in which almost all the houses are used as sweetmeat manufactories and the Ahmedabad Municipality has received several petitions in the matter. It is desirable that the Municipality should have the power to regulate this trade.

It was further doubted whether the Municipality could under this section direct the putting up of a chimney, for such an addition would not, it was said, be called an alteration. A chimney, however, is one of the best means for abating the nuisance of smoke.

## SECTION 108 (2).

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that the following alterations may be made in section 108 (2):—

After the word "furnace" occurring in lines 3 and 6, the words "or fire-place" should be inserted.

After the word "smoke" in line 4 the following words should be added:—

"or reduce it as far as practicable."

After the words "consumed or burnt" in line 8 the following should be added:—

"or shall disobey the directions of the Municipality about putting up of a chimney or some other contrivance."

These alterations seem to be necessary in consequence of the amendments proposed in sub-section 1 of section 108.

A suggestion has been made that reasonable time should be given to carry out the required alterations. The Honourable Mr. James states that the Municipality would not secure a conviction unless they had given reasonable time and that the alteration of the law therefore seemed unnecessary.

*Joel*

SECTION 109 (2).

*Line 26.*

Add "or other articles" after the word "vegetables".

It is necessary to extend this way the scope of the section.

SECTION 111.

*Line 8.*

Add "or burial or burning grounds" after the words "animals".

Cases may arise where a Municipality may have to go out of its districts in search of such places.

SECTION 112.

*Line 26.*

Add "president, vice-president, or" after the words "of the".

The President and the vice-president should be empowered in this behalf.

## SECTION 112 (1), (2).

*Search for and inspection of unwholesome articles.*

The Gujarát Sabha suggest that after the words "the president, vice-president or any officer" the words "or councillor" may be added and that the fine of Rs 100 may be reduced to Rs. 50.

The Honourable Mr. James states—

*Section 112 (1).*—This repeats section 68 of the existing Act, enlarging the definition of the words "for the sale either wholesale or retail or for the storing of articles intended for food or drink" so as to bring them in conformity with the law in the City of Bombay and the new Bombay Prevention of Adulteration Act.

*Section 112 (2).*—This repeats the provisions against adulteration in the recently passed Bombay Act. It will be observed that this provision will only come into force in such Municipalities and for such articles of food as the Governor in Council decides.

## SECTION 112 (3).

*Applications for summons to be refused if not applied for within reasonable time.*

Messrs. Kesavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality propose that the words "a reasonable time" occurring in sub-section (3) of section 112 should be altered to "fifteen days". They state that the expression "reasonable time" is very vague and would be liable to be interpreted capriciously by Magistrates.

The Gujarát Sabha also think that it would be better if such time were specified in the sub-section itself.

## SECTION 113.

*False weights and measures.*

The Sátara Municipality state—

*Section 113.*—The section unnecessarily restricts the power of Municipalities to the examination of the weights and measures of articles used for human food, and only of those employed for retail sale. It is highly desirable that Municipalities should be empowered to examine weights and measures used for all kinds of articles, and whether employed in retail or wholesale sale. Municipalities have the regulation of markets in their hands, and they should also have the power of examining weights and measures. So the words "retail" and "used for human food" should be omitted. Magistrates are, no doubt, invested with this power, but it will be more efficiently exercised by Municipalities.

*Done* ~~SECTION~~ SECTIONS 114 to 120.  
Omit these clauses.

In the present state of our knowledge regarding the causes of the origin, spread, &c., of plague and such other dangerous diseases, it is unsafe to prescribe by law detailed measures like those embodied in these sections. The Municipality thinks that a general enabling clause, similar to section 73 of Act VI of 1873, would be sufficient, as it would enable the Municipality to adopt all such measures as it would be advised to take from time to time.

## SECTIONS 114—117.

*Special sanitary exigencies.*

The Honourable Mr. James states—

*Sections 114 to 117.*—Since the passing of the last Municipal Act the powers of Municipalities to cope with serious epidemic disease, such as cholera and plague, have been found quite inadequate. The existing law is contained in section 73 of Act VI of 1873, under which the Municipality is empowered and directed, with the sanction of Government or of an officer duly authorized, to “take such measures as may be deemed necessary to prevent, meet, mitigate or suppress any such outbreak.” The High Court have, however, decided that this section does not authorize a Municipality to “impose any limitation on the public right of citizens in their relations of daily life.” Consequently under careful limitations, for which the Governor or in Council is responsible, the powers necessary have now been given in the Bill. It will be noted that all the powers are not necessarily conferred on a Municipality, but only those which from time to time are considered necessary, and for such time as they are required.

Section 114 provides for *general* powers, which may be exercised at *any* time, to provide for cases of dangerous disease being reported, for disinfection of places and apparel and the like, for conveyance of sick to hospital, and for preventing the use of wells, the water of which is poisonous. These generally imitate the powers already conferred on local bodies in England, where persons omitting to report the occurrence of dangerous disease or conveying such persons in public conveyances and the like are rigorously prosecuted. The Bombay City Act has also been followed.

Section 115 is meant to be *special*ly used when there is danger of cholera, plague or any other epidemic dangerous disease breaking out in municipal limits, and its provisions are based principally on recent sanitary experience. They confer powers on the Municipality to inspect any place where disease is suspected to be lurking, to remove, (provided other accommodation is furnished and a Magistrate's permission obtained), persons from infected dwellings, to compel persons to disinfect dwellings, to send the sick to hospital and to require that visitors from infected places shall subject themselves to medical examination for 10 days, and, if necessary, to a disinfection of their clothes. Similar provisions have existed for the last fifteen years in Madras Act IV of 1884, sections 231 to 233.

## SECTION 114 (2) (h).

*Power to destroy insanitary huts or sheds.*

The Gujarát Sabha and the Ahmedabad Municipality suggest that the words "First Class Magistrate in City Municipalities and Second Class Magistrate in other Municipalities" may be substituted for the word "Magistrate" in clause 2 (h) of section 114. They state that the necessity of vesting such drastic powers only in the hands of First and Second Class Magistrates under the emergencies mentioned in section 114 is self-evident.

The Sátara Municipality express similar views.

The Honourable Mr. James states—

Clause 114 (2) (h).	} It is suggested that instead of the words "the Magistrate" the words "a First Class Magistrate or any Magistrate especially authorized by the District Magistrate" should be substituted, so as to the better ensuring of the interests of the persons affected. In some cases the matter may be urgent, so if no First Class Magistrate is available, the District Magistrate must select one of lower grade in whose discretion he can confide.
Clause 115 (3) (b) (1).	
Clause 119 (1), (2) and (5).	

## SECTION 114 (3).

*Compensation in case of destruction of any article, hut or shed.*

The Gujarát Sabha and the Ahmedabad Municipality make the following remarks with reference to clause (3) of section 114:—

*Section 114, sub-section (3).*—The words "may, in their discretion" should be dropped, and the word "shall" substituted. The sentence beginning with "but except" to the end should be omitted. These changes are proposed in order that the giving of compensation by Municipalities to the person who suffers substantial loss by the destruction of any article or hut or shed may be made compulsory and not discretionary, otherwise influential people may get compensation, while poor people who will often have to lose their all, may not get anything. It is also inadvisable and inexpedient to take away from the Civil Courts their power of determining the amount of compensation, because municipal officers, howsoever honest, cannot be expected to deal out even-handed justice to private persons in such matters at the sacrifice of municipal funds.

The Sátara Municipality express similar views.

The Honourable Mr. James remarks—

*Section 114 (3), line 111.*—The Government of India consider that the grant of compensation should not be compulsory, and it is suggested that in order to emphasise this after the word "discretion" the words "and not otherwise" should be inserted, so as to make it quite clear that the grant of compensation is not compulsory.



## SECTIONS 114 (4) AND 115 (5)

*Penalties for disobedience to an order passed in exercise of powers conferred upon Municipalities.*

The Gujarát Sabha state—

Section 114, sub-section 4, clause (a). The amount of fine is very heavy. It ought to be Rs. 100.

Section 114, sub-section 4, clause (b), and

Section 115, sub-section 5.

These sub-sections provide six months' imprisonment and a fine of one thousand rupees as punishments. The punishment of imprisonment will be too severe, almost cruel, in times of an epidemic like the plague, when the citizens are likely to be in acute mental distress, and will defeat its own end. The Sabha thinks that a power to impose fine only, to the extent of Rs. 200, would meet the exigencies of the case. The words providing imprisonment as a punishment should, therefore, be struck out and the limit of fine should be reduced.

The Sátára Municipality express similar views.

The Ahmedabad Municipality concur in the view expressed by the Gujarát Sabha as regards section 114 (4) (a).

## SECTION 115 (3).

*Duties of Municipalities on threatened or actual outbreak of dangerous disease.*

Mr. R. V. Joshi is of opinion that inspection should not be made at night, as is contemplated by clause (3) of section 115. He states that the punishment of imprisonment mentioned in section 115 is far too severe, and suggests that Government will be pleased "to expunge dangerous disease rules from the Bill and leave the Municipalities to frame rules according to times consistent with the habits, customs and religious prejudices of the people."

The Honourable Mr. James observes—

*Section 115, (3) (b) (ii), line 53.*—It has been suggested by the Commissioner, C. D., that after the word "thereof" the following should be inserted "or of any building or buildings adjacent thereto." Very frequently the evacuation of an entire row of tenements or block of buildings, when disease has broken out in parts of them, is even more important than the evacuation of the infected tenements or rooms themselves.

*Section 115 (3) (d).*—The Commissioner of the Central Division also thinks that in line 87 for the word "ten" the word "fifteen" should be substituted, adding that it is doubtful whether examination for 10 days is sufficient in all cases. The point is for the Select Committee to decide. But cases, for instance of plague, which have developed after 10 days' absence from an infected place, are uncommon.

*Section 115 (e).*—This is based on the urgent solicitation of the late Mr. Ranchorelal Chhotalal. He ascertained that in Ahmedabad, during a severe outbreak of cholera, the spread of the disease was largely attributable to gatherings of persons at the instance of would-be hospitable or religious-minded individuals, to consume *gratis*, in hot and insanitary places, large quantities of cheap and unwholesome food specially purchased for the occasions. The Bill, therefore, provides that such gatherings can in future, as Mr. Ranchorelal desired, be prohibited on the certified opinion of a medical officer that such prohibition is necessary.

## SECTION 115 (5).

*Penal clauses.*

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality suggest that the words "with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both," in the last paragraph of subsection (5) of section 115 may be altered to "with fine which may extend to five hundred rupees." They observe that the punishment is excessively severe, especially the provision for imprisonment, and that imprisonment for disobedience of municipal law is a novel feature.

## SECTION 117 (a) (i).

*Persons by whom executive orders are to be carried out.*

The Gujarāt Sabha and the Ahmedabad Municipality propose that the words "City Municipality and the" may be inserted immediately before the word "president" in the last line of sub-clause (i) of clause (a) of section 117. They observe that a Chief Executive Officer who derives his authority from the Municipality should be bound to act under the orders of the Municipality and not of the president alone.

The Sātāra Municipality state—

Section 117 (a) (i) (ii).—A proviso should be added to these clauses to the effect "provided always that no expenditure in carrying out the orders, and in exercising the powers of the Municipality, shall be undertaken, without its express sanction, and unless there are funds in the municipal treasury to meet it." This provision is absolutely necessary, otherwise there will be no check on expenditure, which will have eventually to be met from the municipal exchequer. The case stands thus: Municipalities are first invested with extraordinary powers to deal with the breaking out of a dangerous disease, and with the privilege of paying for their exercise, under sections 114 and 115, and immediately in section 117 it is declared that these powers shall be deemed to have been delegated virtually to the presidents of the Municipalities, who, in the vast majority of cases, will be Government officers, but the privilege of paying for the exercise of these powers still remains with the Municipalities. Why this round-about process of investing and divesting is gone through, is not clear, except, perhaps, for the purpose of throwing the financial responsibility on the Municipalities, who, however, are not given any control over the expenditure. Recent experience has clearly shown what enormous expenditure, quite out of proportion to the means and resources of Municipalities, has been incurred by Government, in connection with the suppression of plague. It is, therefore, most unsafe and wholly unjustifiable to empower presidents to undertake expenditure without regard to the means of their Municipalities to meet it, and without their sanction.

The Honourable Mr. James states—

Section 117 prescribes by whom these special sanitary powers shall be enforced. It is suggested that as the Chief Executive Officer in a City Municipality might have too much to do to permit of his personally exercising all the necessary powers at once, an addition should be made in line 13 after the words "Chief Executive Officer," by inserting the words "and such other officers or individuals as such Executive Officer shall, with the permission of the President, nominate in this behalf."

Similarly in sub-clause ii, line 20, after the word "officer" the words "or individual" might be added. The term officer has a limited meaning, and in case the Municipality decided to send for and employ some medical officer or other administrative expert to take all the necessary sanitary measures, the requisite powers should be conferred on such person. This amendment would also enable councillors themselves to take their part in combating the disease, and it would be difficult to constitute a councillor an 'officer' of the Municipality.

## SECTION 118.

*Duties of Municipalities in respect of diseases among cattle, sheep or goat.***The Karáchi Municipality state—**

Section 118 relates to a duty which has hitherto been performed by Government, namely, measures in respect of diseases among cattle, sheep or goats. If this is passed into law, the Municipality will become responsible for taking action under the Glanders and Farcy Act, in the case of an outbreak of foot-and-mouth disease, &c., as well as for the maintenance of a veterinary dispensary. The Committee therefore disapprove of the section, as they think that this additional burden should not be thrown on the Municipality.

The Honourable Mr. James makes the following remarks with reference to section 118 :—

Section 118 has been adopted from the Bombay City Act, to enable diseases amongst animals to be dealt with. Obviously any disease amongst milch cattle or goats is calculated greatly to spread disease amongst human beings, while diseases, such as anthrax or rinderpest, might cause a widespread mischief which the organisation of a Municipality is specially qualified to suppress, in the interests of the rate-payers generally, and also in the interests of the rate-payers' agricultural customers.

The Select Committee might consider whether the words "horses, camels" ought not to be inserted in line 3 before the word "cattle".

## SECTION 119.

*Proceedings to abate the overcrowding of the interiors of buildings.*

The Honourable Mr. James states—

Section 119 deals solely with interiors of existing buildings and is applicable to all Municipalities. But a medical certificate and a Magistrate's order are necessary, and this will prevent any undue hardship.

It has been suggested that a sub-clause should be inserted rendering it *obligatory* on the Municipality to take under consideration the desirability of instituting proceedings under this clause, on a report being made by the Civil Surgeon of the district drawing attention to any case of overcrowding. The suggestion seems reasonable, as some backward Municipalities might dislike putting the clause into action, and in any case overcrowding might go on without its being brought to a Municipality's notice. The amendment might take the form of an addition to 119 (1) by inserting after the word "consider" in line 2 the words "or whenever the Civil Surgeon or other medical officer authorized by the Commissioner in this behalf reports to the Municipality that", the word "may" in line 8 being replaced by "shall".

*Section 119 (2).*—See remarks on clause 114. Perhaps a First or Second Class Magistrate might be inserted in line 9 for the words "a Magistrate".

In sub-clause 2 of the same clause, the Select Committee might consider whether the words "of not lower rank than an Assistant Surgeon" might not be inserted after the words "medical officer" in line 14.

The Gujarát Sabha and the Ahmedabad Municipality are of opinion that the fine of Rs. 20 per diem prescribed in clause 5 of section 119 is heavy and should not be at the most more than five rupees a day.

## SECTIONS 119 (5), 120 (4), 121 (2) AND 126.

## The Sátára Municipality state—

*Sections 119 (5), 120 (4), 121 (2) and 126.*—The limits of fine herein prescribed are, as so often observed, unnecessarily high. They may safely be reduced to one-half in the case of first fines, and to one-fourth in the case of daily fines. It is wholly inexplicable why so heavy fines have been prescribed, in the case of Mofussal Municipalities who have to administer and regulate the affairs of comparatively poor people.

## SECTION 120.

*Special powers which may be conferred by the Governor in Council in respect of overcrowded areas notified by the Governor in Council.*

The Honourable Mr. James states—

Section 120 is designed to prevent buildings being erected without regard to ventilation, and applies solely to special areas to which the Government extend the section. It will prevent areas being overbuilt upon, and in certain cases buildings can be pulled down, compensation being paid if the Act has not been infringed in other respects.

Section 120 (2) (d) (i), line 79.—The letter (a) in italics after the word "clause" is a misprint for the letter (c) and the correction should be made.

The Karachi Municipality observe—

Section 120 relates to special powers which may be conferred on Municipalities by the Governor in Council in respect of overcrowded areas, under which such areas could be opened up by the acquisition or demolition of buildings, &c. No provision, however, has been made for the cost being thrown on the owners of neighbouring properties which have been thereby improved. Section 124 provides for improvement expenses being recovered in certain cases, but does not include the works carried out under this section. The Committee therefore make a general recommendation, that when an improvement scheme is formulated, there should be a provision for a betterment clause to enable the Municipality to recover, at any rate, a portion of the expenditure incurred from the owners of houses benefited by such improvement scheme, in accordance with rules or by-laws framed with the approval of the Governor in Council. Such cost might be recovered in easy instalments as under section 124.

## SECTION 120 (4).

*Penalties.*

The Gujarat Sabha suggest that the fine of Rs. 500 prescribed by clause 4 of section 120 may be reduced to Rs. 100 and that the provision regarding the daily fine may be dropped.

The Ahmedabad Municipality suggest that the words "one hundred" may be substituted for "five hundred" in sub-section 4 of section 120 and the word "two" for "twenty".

The Honourable Mr. James remarks—

Section 120 (4), line 128.—For the words "not exceeding Rs. 20 a day for every continuing breach thereof," the more correct wording should be substituted as follows, "which may extend to Rs. 20 for every day after the first offence in regard to which the offender is convicted of persisting in the offence." The Government of India have pointed out that this wording, which has been adopted in other parts of the Bill, is the correct one.

SECTION 121 (AFTER CLAUSE l).

*Line 20.*

Add a clause as follows:—

“Bhadbunje's shop or kiln and places where snuff is made, or where sweetmeats are prepared.”

It is necessary to make the section applicable to these.

SECTION 121 (1) (o).

*Line 26.*

Add “or shop or store house” after the w  
“manufactory”.

It is necessary to make the section applicable  
these.

SECTION 121 (1) (p).

*Line 28.*

after the word “storing”.

to make the section applicable to

SECTION 121

*Line 31*

Add “or selling” after the

It is necessary to make the  
these.



## SECTION 121.

*Regulation of certain trades.*

The Honourable Mr. James states—

*Section 121, line 4.*—The words “or intended by any person to be used” are new and will enable a Municipality to prevent a person going to unnecessary expense to commence one of the objectionable trades. See remarks already made under clause 35 (1) (b) (iii).

*Section 121 (1) (e) and (g).*—It is suggested by the Remembrancer of Legal Affairs that these be omitted. Since the original Act in which these words were inserted, the Government of India have passed the Explosives Act of 1884 as well as rules thereunder, making elaborate provision for the safe storage of all explosives. Rule 14 gives the District Magistrate power to issue a license for the possession of explosives at such place as may be approved by him.

The Government of India consequently pointed out long ago that there is, should these present municipal powers be continued, a possibility of a conflict of authority, for the licenses issued by the District Magistrate might be rendered practically useless by the action of the Municipality or *vice versa*, and that where the provisions of the Bombay Municipal Acts are in conflict with the Indian Explosives Act, the latter must prevail.

It is, therefore, proposed that the first sub-clause (e) should be deleted, and also the words “explosive substances or” in (g) in order to carry out the wishes of the Government of India. It will always be open to a Municipality, as it is to any private person, to represent to the Magistrate danger arising from the possession of explosives.

The Commissioner, C. D., and the Collector of Thana have both suggested that “boiling sugar” should be inserted in the list of dangerous trades which the Municipality should regulate. The former says—

“The furnaces of ‘halwais’ worked as they usually are in small shops built of combustible materials and situated in densely crowded streets, are a perpetual menace to all the houses in their vicinity, for at any moment one of them may start a conflagration very difficult to arrest.”

The latter adds—

“To the purposes or uses mentioned in this section ‘boiling sugar in the preparation of sweetmeats’ might, I think, be added. This is an occupation which may be very dangerous to life and property on account of the large fires which are sometimes used within houses built of inflammable materials, and houses in which such an occupation is carried on would possibly not come under clause (p), since they would not necessarily be used for storing combustible material.”

The question is one which the Select Committee will doubtless carefully consider. A bazar at Jacobabad was burnt down a few years ago owing to one of these halwai’s furnaces. On the other hand it is to be remembered that halwais are an absolute necessity in every large town and village.

In the case of Jacobabad the difficulty was got over by persuading the halwais to adopt a particular kind of furnace. It is doubtful, however, whether sub-clause (ii) of clause 121 (1) would give the Municipality power to prescribe the alterations requisite to make a furnace less dangerous, and it is suggested, therefore, that in line 43 before the words “use it” the following words be inserted “to make such structural alterations or”. The amendment would be valuable in all cases of offensive trades.

## SECTION-121 (2).

*Liability to penalty for using a place in such a manner as to be a nuisance, after notice.*

The Gujarát Sabha state that the fine of Rs. 40 per day prescribed by section 121 (2) is excessive, and that the portion of the section relating to this fine ought to be dropped.

The Ahmedabad Municipality suggest that the words "five rupees" may be "substituted for forty rupees" in section 121 (2).

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## SECTION 122.

*Service of notice.*

Section 122 makes the service of every notice good if it is left at the last known place of abode of the person to be served. Mr. K. N. Kher submits that this mode of service is not sufficient.

The several clauses of section 122 have been adopted from the City of Bombay Municipal Act, 1888, and merely enlarge the terms of the existing law as experience has shown to be necessary. The service of public notice is nowhere comprehensively treated of in the present Act. It will be seen from clause (1) (a) of section 122 that the notice or bill is to be tendered in the first instance to the person to whom it is addressed, and that if such person is not found, the notice or bill is to be left at his last known place of abode.

The Karáchi Municipality state—

Clause (c) of sub-section (1) of section 122, which provides for the service of notices or bills through the post, should, the Committee think, provide that such should be sent under a registered cover, the cost of registration being recoverable from the person concerned. Provision ought to be made for the service of notices in respect of properties standing in the names of minors.

*Proposed* SECTION 122 (1).

Line 9.

Add "by name or designation" after the word "authorised".

The authorisation should be by designation to avoid the necessity of separate orders for different individuals.

## SECTION 124 (1).

*Municipality in default of owner or occupier may execute works and recover expenses.*

Messrs. Keshavlal, Mulchand and Ramanbhai and the Ahmedabad Municipality think that the words "be paid to them by the person" in section 124 (1) should be altered to "be paid to them by the person or persons" and that the words "shall be recoverable" should be altered to "shall be recoverable from such person, persons or from any of such persons." They remark:—

When co-owners or occupiers are liable to pay the expenses, they must be recoverable from them severally as well as jointly. If they are liable only jointly, difficulties would arise when their shares in the liability are unascertained, or where some of them are not within municipal limits at the time of the prosecution for recovery. Questions about their mutual contributions ought to be left to be decided by them by resort to the Civil Court. In Ahmedabad there are pauch-privies which are sometimes owned by so many as forty persons. Improvements in such cases would be impossible unless the expenses are recovered from any of the

## SECTION 124 (1) (a).

*Line 30.*

Add "or any other improvement, or work, or repair, ordered by the Municipality under the provisions of the Act," after the word "property".

The same concession, as has been contemplated in the case of a drainage scheme, should be extended to other works, which may be as essential and which may be put off for want of funds by house-owners.

SECTION 12c.

*Proceedings to be taken if any occupier of a building opposes the execution of the Act.*

The Gujarát Sabha and the Ahmedabad Municipality think that the fine of Rs. 50 a day prescribed by section 12c is excessive and that it ought not to be more than five rupees a day.

## SECTION 127.

*Entry for purposes of the Act.*

Messrs. Keshavlal, Mulchand and Ramanbhai and the Ahmedabad Municipality suggest that in the first proviso to section 127 the word "Municipality" may be altered to "president or vice-president." They observe that under the first paragraph the persons authorized to enter buildings are the president, vice-president or an officer of the Municipality and that in the proviso the same persons may be referred to.

~~Proposed~~ SECTION 127.

After this section there should be inserted a section, similar to section 186 of the Indian Penal Code, providing a penalty for those that will obstruct a municipal officer, or servant, or any other person acting on behalf of the Municipality, in the discharge of his duties, prescribed by the Municipal Act, rules or bye-laws.

At present there is no provision of the sort and the absence of such a provision causes great inconvenience to the administration and provides no protection to municipal officers, servants, &c.

*(Handwritten mark)* SEC

Substitute "Sub  
Judge's Court" for  
"District Court";

In municipal town  
and where there are  
put to much incor  
small matters the  
therefore, necessary  
matters to Sub-Judge  
appointment of arbit  
Judges in the matte.

## SECTION 128.

*Arbitration in cases of compensation, &c.*

Messrs. Keshavlal, Mulchand and Ramanbhai and the Ahmedabad Municipality suggest that the following amendments may be made in section 128:—

*Sub-section (1)*—The first five lines “If a dispute arises.....the amount” should be altered to “If any compensation, damages, costs, or expenses which are directed to be paid by this Act are offered by the Municipality and are not accepted by the person or any of the persons entitled to receive the same, the amount.”

The following should be added at the end of this section as sub-section (4):—

“(4) Nothing in this section shall prevent the Municipality from carrying into execution the orders issued by them or the works required by them till the amount of compensation, damages, costs or expenses is determined as above.”

They remark—

In a case referred to the District Judge of Ahmedabad under section 81 of Bombay Act VI of 1873 the District Judge held that the section was not applicable in cases where the person whose property was to be acquired or seized was unwilling to part with it, and that the section was applicable only in cases where such person was willing to part with his property, but the dispute between him and the Municipality was only about the amount of compensation. In most of such cases the owners are unwilling to part with their property, and the object aimed at by this section in obtaining a speedy determination of the question of compensation would be frustrated. Where land is to be set back under section 69, the only remedy would be the complicated procedure of the Land Acquisition Act. Cases of set-back are generally not of such importance as to justify the adoption of the lengthy procedure prescribed by the Land Acquisition Act. Again, where compensation is to be paid before destroying infectious articles, the destruction cannot be delayed till the amount of compensation is determined if there is no such proviso as suggested in the second amendment to be sub-section (4).

The Karáchi Municipality state—

The Pancháyt system for acquiring land, as provided for in section 128, has been found in practice to be highly unsatisfactory from a municipal point of view. Though, in theory, the system may appear to be very sound, yet in actual working the result has invariably been to award exorbitant rates for the land acquired. The reason for this is, that the money comes from the public purse, and not out of the pockets of an individual, and in consequence the tendency is to be liberal in awarding compensation. The award of the arbitrators therefore always errs on the side of liberality; in fact, preposterous rates have often to be paid by the Municipality for land acquired under this system. The difficulty experienced in appointing a suitable person as a “sarpanch,” who has a proper sense of the responsibility of his position, is another drawback which militates against the impartial working of this system. To improve the working of the system, it would perhaps be advantageous to remunerate the persons serving on such Pancháyits. For these reasons the Committee make the following recommendation: “The Pancháyt system has not been found to work satisfactorily in Karáchi, and, at any rate, the appointment of a ‘sarpanch’ is objectionable. In case of a difference of opinion, the subject should be referred to the Collector, who can then put the machinery of the Land Acquisition Act into motion and proceed in the usual way. If the Pancháyt system be retained, the arbitrators ought to be paid and the fees should be deposited beforehand.”



## SECTION 129 (1).

*Prosecutions by Municipalities.*

The Gujarát Sabha are of opinion that a prosecution under section 129 (1) ought not to be kept hanging over the head of a person for more than three months and that, therefore, the words "three months" should be substituted for the words "six months" in that section.

The Ahmedabad Municipality suggest that the words "four months" may be substituted for "six months" in section 129 (1).

The Sátára Municipality express similar views.

The Karáchi Municipality state—

It appears from section 129 that in the case of a prosecution lodged by the Chief Executive Officer, or by any other officer authorized in that behalf by the Municipality, the managing committee or corporation have no power to interfere, even on appeal by the person so prosecuted. This, the Committee think, is objectionable. Power to prosecute should be vested in the Chief Executive Officer, or any other authorized officer, only if it is subject to the supervision of the managing committee. The insertion of the words "subject to the control of the committee," after the words "Chief Executive Officer, if any," is therefore recommended.

The Honourable Mr. James states—

*Section 129 (1).*—The present law only empowers the "Municipality" to prosecute, a very cumbersome and unnecessary procedure, even if its power might be delegated. Power, therefore, is now proposed to be specially given to the managing committee or any officer specially authorized, and in City Municipalities to the Chief Executive Officer. The time allowed for the institution of a prosecution has also been extended from 3 to 6 months—*vide* line 23, as the former period has been found by experience to be insufficient. Sometimes papers are long in circulation or deliberately kept back, and now that power is given by sub-clause 3 for the Municipality to compromise, time will be lost while the negotiations for compromise are proceeding, and should they fail, the Municipality must fall back on its right to prosecute.

*Section 129 (2).*—This follows Bombay High Court's criminal ruling of 14th December 1897.

*Section 129 (3).*—This power of compromise is taken from the Bombay Act. It seems desirable that the following should be added:—"The Municipality may, by a rule under section 34 (a), delegate their power under this section."

*Proposed*  
SECTION 129 (2).

Add a clause similar in substance to what follows:—

"(3) Nothing in this section shall prevent a Municipality taking recourse to a Civil Court in addition to or in lieu of recourse to the remedy provided for by clause (1) for the recovery of its dues mentioned in clause (1)."

Such a provision is necessary to authorize a Municipality to institute civil suits for the recovery of its dues where the magisterial procedure does not suit the requirements of the case on account of limitation or death of parties against whom proceedings may have been instituted in Magistrate's Court.

SECTION 130

*Line 2 to 6*

stitute for the words "  
....this Act" the words "  
vided for it or not".  
as not require any explan

## SECTION 130 (2).

*Damage to municipal property how made good.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality suggest that the words "or any taxes, tolls, duties or fees leviable under this Act" may be inserted after the words "under this Act" in sub-section (2) of section 130 for the following reasons:—

Sometimes in complicated cases, such as cases of contractual relations referred to in sections 50 and 124 (1) (a), it becomes necessary for the Municipality to file civil suits to recover taxes or fees. The High Court have expressed a doubt whether a Municipality can resort to a civil Court to recover taxes. Hence the necessity of this addition.

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SECTION 131.

*Lines 23, 24.*

Omit "whether the said Magistrate be a councillor or not" and substitute "who is not a municipal councillor".

For the ends of justice and fair play it is necessary that the officer concerned should have no direct interest in the disposal of the cases in a particular way.

SECTION 131 (1).

The present section should be changed in a way to enable the Municipality to recover these as municipal dues.

This provision is necessary to enable the Municipality to recover its dues as mentioned here.

## SECTION 131 (2).

*Jurisdiction of Magistrate.*

The Karáchi Municipality are of opinion that land-rent should be recovered in the same way as taxes, without reference to the revenue authorities. That in Karáchi the amount to be recovered is large and that great inconvenience will be experienced if every point has to be referred to the Mukhtyárkar.

Section 131 (2) empowers any Magistrate to try and dispose of municipal cases, although he be a municipal councillor. Mr. K. N. Kher submits such Magistrate should not have the power to try them; for being a councillor, he has his own views and opinions on municipal matters, and cannot always be expected to be unprejudiced and fair-minded. He, therefore, thinks that they should be disposed of by a Magistrate who is not a municipal councillor, or by a Subordinate Judge, who for the very reason is disqualified from being a councillor.

Mr. Kher objects to the appointment of a Magistrate who may be a Municipal Commissioner, but it will be seen from section 84 of Bombay Act VI of 1873 that such a Magistrate does try municipal cases at present.

SECTION 133.

*Line 1.*

of any kind" after the word

*Line 6.*

after the word "done".

no suit or action of any kind  
against a Municipality without a  
it, be it for anything done, or  
or for injunction or ejection,

*Powers of Police Officers.*

The Karachi Municipality observe that persons arrested by the police for committing offences against the provisions of the Municipal Act are, under section 134, subject to detention for a period of not more than 40 hours, that this period is excessive, and that even under the Criminal Procedure Code, a person cannot be detained for longer than 24 hours before being placed before a Magistrate. They, therefore, recommend that 24 hours should also be the limit under this section.

*Moona*  
SECTION 135 (1).

*Line 10.*

Substitute for the words "the 1st of March" the words "10th of February".

The period of one month is quite sufficient for the preparation of the accounts and the budget for the next year.

*Line 12.*

Omit the words "and expected".

*Line 13.*

After the word "expenditure" omit the word "for" and add the words "in the past nine months and the estimated receipts and expenditure in the next quarter of".

These changes make the meaning of the section more clear.

SECTION 135 (2).

*Line 21.*

Add after the word "decide" "before the 1st of April next".

This needs no comment, as the budget ought to be ready before the 1st of April.

SECTION 136 (1).

*Line 7.*

Add, after the word "direct" the words "and the Municipality consents".

The consent of the Municipality should be a condition of the Government audit. In almost all municipal towns competent private auditors are always available. There should, therefore, be no necessity of a Government audit unless a Municipality willingly go in for it.

SECTION 136 (3).

Add, at the end of the clause, "and accepted by the Municipality".

If the charges are to be paid by the Municipality, its agreement is a necessary condition to the payment of the charges.

## SECTION 135.

*Publication of accounts.***The Karáchi Municipality remark—**

Besides being open to public inspection, the quarterly and annual accounts and the budget have, under section 133, to be published in the vernacular language in a local newspaper. The same provision exists in the present Act, but there seems to be no necessity for it. A copy of the accounts and the budget might be supplied to the local papers, but not necessarily for publication at the expense of the Municipality. The Committee therefore recommend that the Municipality should not be compelled to publish these accounts in the newspapers at their expense. A copy might be supplied to the vernacular newspapers, the proprietors of which might publish them if they choose, but not at the expense of the Municipality.

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## CHAPTER XI.

*Control.*

It is suggested by the Sanitary Board that a section should be inserted after clause 145, enabling the Government (following section 64, chapter 5 of the North-West Provinces and Oudh Municipal Act XV of 1883) to take powers as follows :—

“The Government may from time to time frame forms for any proceeding of a municipal board for which it considers that a form should be provided, and make rules consistent with this Act—

• • • • •  
 “(A) As to the preparation of plans and estimates for works which are to be, partly or wholly, constructed at the expense of boards; and to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned.

• • • • •  
 “(B) Generally for the guidance of boards and public officers in all matters connected with the carrying out of this Act.”

The Honourable Mr. James remarks—

The suggestion is placed for consideration before the Select Committee, not however with any idea that it should be passed as it stands. It is, it is considered, extremely desirable and in accordance with the principles of local self-government that Municipalities should make their own arrangements for plans and estimates. And clause 137 of the Bill, which is the existing law, enables Government to prescribe forms of accounts.

## SECTION 141.

*Extraordinary powers of Collector in case of emergency.*

The Karachi Municipality observe—

In sub-section (1) of section 141 the Collector is empowered in cases of emergency to provide for the execution of works necessary, the expenses of which shall be borne by the Municipality. And in sub-section (2), in case the Municipality refuse to pay, he is empowered to direct the person who has the custody of the balance of the municipal fund to pay such expenses. It is hardly fair that the Collector should be given this direct control over municipal funds, and the Committee beg to recommend that under no circumstances should Government take the initiative in imposing taxation, but that in the event of the Municipality refusing to meet expenditure incurred under this section, Government should rather suspend it.

The Honourable Mr. James states—

*Section 141 (1), line 13.*—It has been suggested that for the word “forthwith” the word “duly” be substituted, as expenditure cannot always be made at once, and in some cases there is no reason why payment should be made at once, while sub-clause (2) provides for default.

*Section 141 (2), line 25.*—For the figures 52 the figures 52 (2) should be substituted.

## SECTION 142.

*Power of Commissioner of Division to prevent extravagance in the employment of establishment.*

The Nadiád Municipality think that something like the following should be added at the end of section 142:—

"The Commissioner shall be furnished every year with a list of all municipal servants in his division, with their pay and length of service, by the Municipality, and he shall possess power to transfer municipal servants drawing Rs. 25 or upwards from one Municipality to other in his own division, at the request of the Municipality or on promotion at his own will."

They remark—

There should be an affiliation of all Municipalities under a division so far as the establishment is concerned, so that servants may have a wider range of promotion in accordance with their abilities and greater stimulus to good and efficient work. The addition is, therefore, suggested to gain this object. If this be carried out, the Municipality will be able to secure services of better hands at less cost.

The rate-payers of Sâtára suggest that Government should frame rules for the recruitment and maintenance of a higher municipal service in consultation with the representatives of all City Municipalities for the stable and efficient conduct of municipal affairs.

The Karáchi Municipality state—

Under section 142 the Commissioner is empowered not only to fix the salaries of appointments, but also to interfere in the actual selection of officers to fill the appointments, for he can, if he considers the salary drawn by a particular officer is excessive, reduce the salary of that appointment. If a Municipality cannot be trusted to select its own officers, it would be better if that Municipality ceased to exist, for it is not likely that it could perform its other duties. And it is undignified for the Commissioner to interfere in the matter of appointing officers. The Committee therefore recommend that, while the Commissioner should have power to determine the number of persons to be appointed, and their salaries, he should not interfere with the individual selection of officers by the Municipality.

## SECTION 144.

*Powers of Government to supersede a Municipality in case of incompetency, default or abuse of powers.*

The Karáchi Municipality state—

Section 144, which relates to the supersession of Municipalities in case of incompetency, default, or abuse of powers, contains a provision in clause (4) for the re-establishment of the same. The provision runs—"The Municipality shall be re-established by the election or appointment of new councillors." The Committee point out that the use of the words "new councillors" might possibly leave this clause open to the interpretation that none of the councillors who composed the superseded Municipality are eligible for re-election or re-nomination, which, probably, is not the intention of the framers of the Bill.

The Honourable Mr. James observes—

*Section 144 (3).*—This is new. The Government is naturally anxious when compelled to supersede a Municipality to re-establish it as soon as possible. One case has occurred, and such cases might occur at any time, in which the reconstruction of the Municipality at the end of the period first specified is found inconvenient. For instance, the finances of a Municipality may not have been brought into proper order—the neglect of sanitary works may not have been repaired, and practically the same councillors who made default before may be re-elected on the suspension of the Municipality ceasing. On the recommendation of a Committee of Commissioners of Divisions, therefore, the Government some years ago decided that power to continue the suspension should be taken.

## CHAPTER XII.

*Special provisions for City Municipalities.*

The rate-payers of Sátára make the following remarks as regards Chapter XII of the District Municipal Bill:—

In itself the distinction between City and Town Municipality appears reasonable and to some extent even necessary in the interest of good municipal administration. But some of the special provisions for City Municipalities embodied in Chapter XII of the Bill will, the Sátára rate-payers are afraid, reduce it to a worse position than a Town Municipality under Act VI of 1873. The distinction may, however, be revived under the following conditions:—

(1) The minimum limit of population for a Municipality to be classed as a City Municipality should be thirty thousand; and such additional minimum limit of income, as the Council deems fit, be provided for the same purpose.

(2) The proportion of elected councillors to the general body should never be less than two-thirds, and may, if the Government thinks fit, be raised to full complement of the body by a notification in the *Government Gazette* in the case of City Municipalities.

(3) The appointment of the Chief Executive Officer and the other officers specified and the powers to be delegated to the former may, in the case of all such Municipalities, be left to their sole discretion subject to such rules as the Municipality may frame in this behalf subject to the approval of Government.

The special provisions for the City Municipalities in sections 147, 149, 150, 151, 152, 153, 154, will make such Municipalities a tool for voting supplies and levying taxes in the hands of the all-powerful Executive Officer to be forced on them by Government. The appointment of this officer and his dismissal are to rest ultimately with the Commissioner. He is to appoint all municipal servants and those drawing a salary below 25 rupees even without the sanction of Municipality and conduct almost the whole of municipal administrative work. Even the powers of the president may be conferred on him. He may delegate his powers and take part in municipal discussions. The Chief Executive Officer thus practically supplants the Municipality. The work of centralizing real power in Government nominees inaugurated by section 25 seems here to have been brought to completion. Outside of Bombay the managing committees may be safely expected to look after the executive work in the main. They only require the help of a strong officer to carry out details. The executive officer should be appointed by the Municipality and be liable to be dismissed by the same body. But if he is dismissed before the contract period, the order of dismissal when passed by only a majority of the general body might be made liable to appeal to the Commissioner.

The Sátára Municipality state—

Sections 147, 149, 150, 151, 152, 153 and 154 relate chiefly to the appointment, dismissal and the powers of the Chief Executive Officer of a City Municipality. It appears to be the object of the framers of the Bill to make this officer the source and fountain-head of all executive power in the municipal government of a town, to make him independent of the Municipality, and to overshadow its managing committee and their chairman. For example, he can only be appointed with the approval of the Commissioner (section 147), he cannot be dismissed for misconduct, neglect or incapacity without the sanction of the Commissioner (section 149), he may be invested with most of the executive powers conferred on Municipalities, including even those conferred on their presidents (sections 150 and 151), and he can make

appointments to all posts, under the Municipality, the salary of which does not exceed Rs. 25, without the sanction of the Municipality (section 152). There will be no wonder, therefore, if an officer, with such plenary powers and such ample patronage, becomes master of the situation and rules the powerless councillors. The powers of the managing committee fade into insignificance before his. It is doubtful if any powers would be left to them at all, and it is not easy to see what function they are to fulfil. By section 25 (12) (c) the managing committee is vested with certain executive powers, but these are made subject to the provisions of Chapter XII, in which many of these powers are transferred to the Chief Executive Officer. The Municipality is also granted the privilege of transferring, with the sanction of the Commissioner, even the executive powers of its president to this officer (section 151). Under these circumstances, the managing committee, about the constitution of which so much pains have been taken, appears to be a useless phantom, or a mere clog in the way of the Executive Officer, who is thus made the sole embodiment of municipal local self-government in the Mofussil. When the leading Municipalities of the Mofussil asked for the appointment of a Chief Executive Officer, they did not apply for one whose powers would overshadow those of their managing committee, or of their chairman. These Municipalities, which will be, under the present Act, City Municipalities, do want a Chief Executive Officer vested with certain executive powers, but one who will be strictly subordinate to their managing committee, and removable for misconduct, neglect of duty or incapacity by them. They want a *servant*, and not a *master*, to assist them in the more efficient and speedy discharge of their duties. It appears that the authors of the Bill cannot trust managing committees, on which sit the most respectable citizens of a town, with the power of making the appointments of clerks and peons in the municipal office, which they have been doing for the past thirty years and more, but can trust a paid servant of the Municipality with this power. No evidence has been produced to justify this distrust. The instance cited by the honourable mover of the Bill of a Municipal Commissioner threatening to reduce the pay of the health officer, may be true. But it is not in the power of a single Commissioner to do anything of the kind, and to suppose that the rest of the Commissioners will join him blindly is to suppose that Municipal Commissioners, in this country, are devoid of all sense of justice. It is this distrust of respectable men which explains many of the new restrictions imposed in this Bill. But if you want to develop and foster a spirit of local self-government, and want the co-operation of really good and self-respecting men, you have to put trust in them, and invest their position with power, dignity and responsibility.

The analogy of the Bombay Municipal Corporation does not apply to Mofussil towns. The Chief Executive Officer in Bombay is a Government officer of high standing and position, and the city is so large that it is not possible for the members of the managing committee or the Town Council to undertake any executive functions. But even in the largest Mofussil towns, like that of Ahmedabad and Poona, the members of the managing committee have been discharging executive functions, and they cannot be wholly divested of them, or of all authority, without lowering them in the estimation of the people, and without seriously dislocating the present machinery of local self-government in the Mofussil. People, in the Mofussil, will not have a shred of respect for municipal councillors, and their chairman or vice-president, who are shorn of all power, except that of voting supplies out of present taxes, and of levying fresh ones, but who have no real hand in the government of their town, nor authority over their own establishment.

For the reasons set forth above, this Municipality is of opinion that the appointment and dismissal of the Chief Executive Officer should entirely rest with the Municipality,

that only a certain amount of executive functions should be delegated to him, that his salary and tenure of office may be determined with the approval of the Commissioner; but that all powers as to appointments, dismissal, fine, and suspension of municipal servants should entirely remain vested in Municipalities and their managing committees, as under the present law, and as has been the practice in the Mofussil for the last third of a century. Accordingly—

(1) In section 149 the words "but not without the sanction of the Commissioner" should be omitted.

(2) In section 150 (1) (d), in line 1, insert the words "with the sanction of the Municipality" after "he may."

(3) In section 151, in line 5, insert the words "the chairman of the managing committee or" before "the Chief Executive Officer."

(4) Section 152.—This section should be omitted for the reasons given above.

The appointment and dismissal of a Health Officer and an Engineer should rest entirely with Municipalities, but their salaries and tenure of office may be determined with the approval of the Commissioner.

The Municipality beg to suggest that there would be no objection to a provision being added that in the case of the dismissal of any of these officers, viz., the Chief Executive Officer, the Health Officer, and the Engineer by a Municipality, an appeal shall lie to Government.

#### The Karáchi Municipality remark—

The present Bill has a special chapter relating to the Chief Executive Officer in a City Municipality. Sections 147 and 148 require the Municipality, on the direction of the Governor in Council, to appoint a Chief Executive Officer or Health Officer, or an Executive Engineer, on such salaries as may be authorized by the Governor in Council in this behalf.

The powers of the Chief Executive Officer are defined in section 150. They involve a very large curtailment of the powers and privileges exercised and enjoyed by Municipalities.

The whole of Chapter XII is unnecessary; clause (b), sub-clause (2) of section 34 sufficiently provides for Government control, because all rules determining the staff of officers, their salaries, and the like require the previous sanction of the Commissioner of the Division, and any further interference with the powers of the Municipality seems uncalled for; similarly, so far as the delegation of executive powers and functions is concerned, the matter is sufficiently provided for by clause (b), sub-clause (1) of section 34, and section 25, clause (2) of the Bill. Each Municipality should be allowed for itself, according to the local conditions and requirements of the City and the position and status and the capacity of its Chief Executive Officer, to determine what executive functions and powers can consistently with the interests of the community be delegated to its principal officer, and what amount of control it should reserve to itself over the action of such officer and his subordinates.

Besides, an independent Chief Executive Officer, over whose action there would be little or no control, is apt to give rise in a Municipality to friction. There are many executive functions which the Municipality would be only too willing to delegate, and has been deterred from doing so by the absence of provision in the existing Acts. The Bill, however, remedies the defect by inserting suitable words in sections 34 and 25, clause (2), and the Committee are strongly of opinion that no further alteration is needed. It may here be pointed out that the rules under which the executive functions will have to be delegated, will also require the assent of the Commissioner,

and he will always have sufficient influence to bear on the Municipality. There is a great deal in moral pressure, and considering that half of the Municipality is generally nominated by Government, even the active pressure that Government can bring to bear on a Municipality is enormous, so that any tendency there may be on the part of the Municipality not to delegate powers will be counterbalanced. Taking all these points into consideration, the Committee are strongly of opinion that there is no reason to resort to special legislation on the subject.

The Committee disapprove, as already stated, of the whole of Chapter XII which is not considered at all necessary, but in the event of Government not agreeing with their views, the Committee, as an alternative, suggest the modifications enumerated hereafter. (*Vide* notes against sections 147, 149 and 152.)



## SECTION 146 (1).

*City Municipalities.*

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Ahmedabad Municipality propose that the words "ten thousand inhabitants" in sub-section 1 of section 146 should be altered to "twenty thousand inhabitants". They state that Municipalities of small towns would find it too costly to have a chief executive officer and perform all special duties of City Municipalities, and that if in towns with a population of ten thousand inhabitants City Municipalities are to be constituted, almost all the Municipalities will be City Municipalities.

The Satara Municipality are of opinion that the minimum limit of "ten thousand inhabitants" is too low, and that it should be at least thirty or forty thousand inhabitants.

## SECTION 146 (2).

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality are of opinion that the words "or in respect of any Municipality specified in Schedule E" in sub-section 2 of section 146 should be omitted. They remark that the Municipalities specified in Schedule E are those in large cities, that they are constituted City Municipalities by the Act, and that it is not proper that they should be liable to be reduced to the position of Town Municipalities at any time without an enactment of the Legislature.

SECTIONS 147, 148, 149.

These sections should be so altered as to reserve to the Municipality the power (1) to appoint and dismiss the Chief Executive Officer, the Health Officer, and the Engineer as at present, only that the dismissal of these officers should not be valid, unless it be supported by a majority of not less than two-thirds of the total number of Commissioners on the Board; (2) to settle the conditions as regards pay, leave, punishment, &c., by rules, which must be sanctioned by the Commissioner, C. D.; (3) and to make the Executive Officer, the Health Officer and the Engineer subordinate to the Managing Committee, the General Committee, the President, and, in his absence, the Vice-President.

These are the officers of the Municipality. They must, therefore, be under the control of the Municipality; and a good effective control over them cannot be secured unless the Municipality has the power to appoint them, dismiss them from office, or otherwise to deal with them in the way it thinks best in the public interest, and unless they are made by law and rules subordinate to the Managing and other Executive Committees and the General Committee. If the Municipality is not vested with the power of appointment or dismissal, its control over them would be only nominal, and its officers will be its masters and not its servants. The law wants to give them some security of tenure, and the proviso suggested above as regards their dismissal, will give them more security as regards the tenure of their office than the consent of the Commissioner, provided for in the section, was intended to afford, for a majority of two-thirds will never vote against a man unless he is absolutely unfit to continue in office.

## SECTION 147.

*Chief Executive Officer.*

The Gujarát Sabha make the following remarks with reference to section 147 :—

Section 147 directs that a City Municipality shall, upon the requisition of the Governor in Council, appoint a Chief Executive Officer upon such salary and on such conditions as to tenure of office "as such Municipality may, with the approval of the Commissioner, determine." This provision is objectionable as fettering the discretion of City Municipalities to select their principal officer. A Municipality is the best judge of its own concerns, and supposing for once that its choice of an officer is sometimes unhappy—which we are not aware of—it cannot justify the interference of the Commissioner on matters of salary and tenure of office. The remedy proposed by this section is worse than the disease. If the Commissioner is to interfere in constituting a managing committee, and in appointing the Chief Executive Officer as well as a Health Officer and an Engineer under section 148, the City Municipalities will have very little freedom of management left to themselves. And taking into consideration section 146, sub-section (1) of the present Bill which empowers the Governor in Council to declare any municipal district consisting of ten thousand inhabitants and upwards as a City Municipality, we apprehend that in course of time many Municipalities in the Presidency of Bombay will be made City Municipalities, and so amenable to the restrictions laid down in the Bill. This section should, therefore, be omitted.

But in case Government do not see their way to omit the above section, the Sabha respectfully submits that the words "upon such salary and on such conditions as to tenure of office as such Municipality may, with the approval of the Commissioner, determine" should be omitted. And, at the end of the section, after the words "managing committee, the words "and to the Municipality" should be added. The latter suggestion is made for the purpose of making it clear that an Executive Officer shall, in addition to his being subordinate to the managing committee, be also subordinate to the Municipality.

Messrs. Keshavlal, Mulchand, and Ramanbhai also propose that the words "subordinate to the president" in section 147 should be altered to "subordinate to the Municipality, the president."

The Nadiád Municipality are of opinion that the words "and shall upon the requisition of the Governor in Council" and "with the approval of the Commissioner" should be omitted from sections 147 and 148.

The Reverend Mr. Cecil S. Rivington makes the following remarks with reference to section 147 :—

As regards the Chief Executive Officer—

(a) What would be his relation to sub-committees such as school board or works committees?

(b) Why should not his minimum pay be fixed as in the case of the Health Officer or Engineer? Unless he is well paid he will be an useless official.

(c) Is there anything to prevent a Municipality making their Secretary Chief Executive Officer and so practically delegating very great powers to him?

The Karáchi Municipality observe—

As it stands, section 147 seems to lead to the inference that, while the Chief Executive Officer is subordinate to the President and to the Managing Committee, he is not subordinate to the corporation. The Committee therefore, to obviate this, recommend that the words "and the corporation" be added at the end.

## SECTION 148.

*Health Officer and Engineer.*

With reference to section 148 the Gujarát Sabha observe—

*Section 148.*—This section is objectionable. However, if it is retained, then the words “upon such salary and on such conditions as to tenure of office as such Municipality may, with the approval of the Commissioner, determine” should be omitted. Further, at the end, after the words “managing committee”, the words “and to the Municipality” should be added. The reasons for these suggestions are identical with those mentioned above in paragraph 61 of this memorial. The sentence beginning with “The minimum pay of such Health Officer” and ending with “in this behalf” should also be omitted. In paragraph 2 of the section the words “with the approval of the Commissioner” should be omitted.

The Honourable Mr. James observes—

It has been suggested by the Acting Commissioner in Sind that specific legislation is required to define the powers of appeal against the Chief Executive Officer's orders, and in particular that no appeal against his orders should go beyond the managing committee, to whom he is made by the Bill expressly subordinate. Otherwise his influence and power of work will be gone, if, when he, with the approval of the managing committee, has taken certain steps, or if, on appeal, the managing committee have confirmed his action, a further appeal should lie to the general body, a meeting of which may not take place for a considerable time. It is urged that the executive will be paralysed, if perpetual appeals against its orders be permissible in a Municipality, just as in any other sphere of administration. The Select Committee may consider, therefore, that there should be added at the end of the first part of clause 148 in line 22, after the words “managing committee”, the following sentence: “No order given by the Chief Executive Officer shall be modified or reversed except by the managing committee,” and that in clause 25 (12) (c) (2) in line 215, after the words “sub-section (3) of section 43” the words should be inserted, “or, in City Municipalities, orders under section 148 confirming, modifying or reversing an order of the Chief Executive Officer.” It is submitted that it is not the province of the general body of councillors to interfere in executive details, but to frame rules and lay down principles for the guidance of the executive, and supervise finance and projects of improvement.

## SECTION 149.

*Removal of the Chief Executive Officer and the Health Officer and the Engineer for misconduct, &c.*

The Gujarát Sabha are of opinion that the words "with the previous sanction of the Commissioner" in section 149 should be dropped for the reasons mentioned in paragraphs 60 to 63 of their memorial.

The Karáchi Municipality states—

Under section 149 the Municipality cannot, without the sanction of the Commissioner, dismiss the Chief Executive Officer, the Health Officer, and the Engineer. The Committee do not see the necessity for obtaining the sanction of the Commissioner to the dismissal of their own officers, but prefer the principle underlying the present municipal rule regarding the dismissal of the Secretary. They therefore recommend that the Municipality should have full power to dismiss their own officers, provided there shall be a majority in favour of dismissal of not less than two-thirds of the number present at the meeting of the Corporation.

The Sanitary Board suggest—

(5) *Section 149.*—Add the following:—

"neither can their pay at any time be reduced, nor the appointments abolished, without such consent."

Although a minimum pay will be fixed by Government, the Health Officer and Engineer will probably in some cases get more than this minimum; and we think it is essential to their independence that any change in their status and position should only be made with the consent of the Commissioner; as otherwise a man drawing more than the minimum, may have his pay reduced on a side issue, if he offends any influential member of the Municipality in the course of his duty.

The Honourable Mr. James observes—

*Sections 147 and 149.*—Attention is invited to the speech at the introduction of the Bill.—*Vide* remarks under clause 3 (1), and the following extract from the rejoinder:—

"One honourable member proposes that the Health Officers should not be given a modified position of independence. In regard to that I should like to say that Health Officers are peculiarly subject to improper pressure. I have known a case in which a Health Officer was obliged in time of plague to prosecute a municipal commissioner, and the latter replied to that by proposing to reduce the Health Officer's pay the next week. (Laughter.) We must therefore provide to a reasonable extent to prevent cases of that kind."

Section 149 proposes, therefore, that the Chief Executive Officer shall not be dismissed without the sanction of the Commissioner. An honourable elected member of the Legislative Council, in discussing this question with the mover, intimated his opinion that Government should take some power for ensuring their own approval to the appointment of Chief Executive Officer. His argument was that even Native Chiefs of high standing are, when first given their powers, provided with a *Kárbhári* by Government, and the Chief Executive Officer's responsibilities are so great that Government cannot afford, in the interests of the rate-payers, to risk an inefficient man being appointed, owing to jobbery or ignorance. And in the City of Bombay, the Chief Executive Officer is appointed by the Government alone, the Corporation having no say in the matter. There has not been sufficient experience as yet in the matter of Chief Executive Officers to say how far City Municipalities will be likely to appoint the best man and put aside feelings of caste or other partiality.

On the other hand, the Government are anxious to impair as little as possible the freedom of choice of Municipalities. And the relations between a Municipality and a Chief Executive Officer of their own choosing might be better than if he were appointed without their consent. The point, however, as to whether the sanction of Government should be required to an appointment is one which the Select Committee might with advantage consider.

*Section 149, line 3.*—It has been suggested that the power of suspending the Chief Executive Officer or other officers should be provided for. Perhaps the words “suspended or” should be inserted in line 3 between the words “may be” and “removed.”

## SECTION 150.

*Powers of Chief Executive Officer.*

The Gujarát Sabha suggest that for the reasons mentioned in paragraphs 60—63 of their memorial the words “with the previous sanction of the Commissioner”, in section 150 may be dropped.

Messrs. Keshavlal, Mulchand, and Ramanbhai are of opinion that the word “or” occurring in sub-clauses (i), (iii), (v), (vi), (vii), (viii), (ix), (xii), (xvii), (xviii), (xx), (xxiii) should be altered to “and”. They state that in some of the sub-clauses “and” is used in similar places, and that the use of the word “or” may be “interpreted to the effect that the sub-sections are referred to only alternatively and not collectively also.”

The Nadiad Municipality are of opinion that the following powers out of those given to the Chief Executive Officer under clause (a) of sub-section 1 of section 150 should be reserved for the managing and sanitary committees :—

- (i) sub-sections (1) and (3) of section 69.
- (ii) sub-sections (1) and (2) of section 70.
- (iii) sub-section (1) of section 72.
- (iv) section 73.
- (v) sub-section (1) of section 74.
- (vi) sub-sections (1) and (2) of section 75.
- (ix) sub-sections (2) and (3) of section 78.
- (x) section 82.
- (xii) sub-sections (1), (2) and (3) of section 84.
- (xxv) section 108.

They state—

If all these powers be exercised by the Chief Executive Officer there remains no necessity for appointing a managing committee in a City Municipality. The object of Government is to appoint an Executive Officer for speedy disposal of work, and the sections which require immediate action have been retained by this suggestion with the Executive Officer. There is no provision giving the Municipality any power of hearing appeals from the Executive Officer's orders or of revising them. This power should be given subject to such rules as the Municipality may make. It is necessary for the speedy disposal of work that the Chief Executive Officer should have all necessary powers of passing orders in the first instance. But it will cause serious discontent in the Mofussil if the power of curing his mistakes and redressing grievances against him by appeal to the Municipality is not given.

The Honourable Mr. James observes that section 150 defines the power of the Chief Executive Officer, subject to any particular reservation which the Municipality may make by special rule, with the sanction of the Commissioner, and that the object is to give the Executive Officer, who is always subject to both the president and the managing committee, a free hand in details.

SECTIONS 150, 151, 152.

—These sections should be amended so as to enable the Municipality to delegate to the Executive Officer and the other officers such of its powers and functions as the Municipality may prescribe from time to time by rules and bye-laws, with the sanction of the Commissioner of the Division, and to reserve to the Managing and the General Committee the right of revision of the orders of the Chief Executive Officer and others.

What this Municipality and perhaps others wanted the Bill to provide for was a clause enabling them to delegate such of its powers and functions to its officers as they might deem fit to do from time to time. The section, as drafted, is not such an enabling clause, it being, so to speak, a “disabling” clause. It deprives the Municipality and its Executive Committees of so much of their powers and functions. It is also necessary that the officers must derive their powers and functions from the Corporation, and not from Government and its officers. There is no doubt, besides, that the Corporation and the Committees will avail themselves of the provision of the law and seek relief by delegating some of their functions to their officers, if they are authorized to do so. But no relief should be forced on those for whom it is intended. If it is forced, it ceases to be a relief.

It is also absolutely necessary that the Municipality should have the power to revise, on appeal or on its own motion, the orders of the Executive Officer and others, as without this sort of control over them the officer or officers would become quite independent of the Corporation, which will cease to be a controlling authority and will become incompetent to judge between its officers and the public and to redress grievances of the latter.



## SECTION 152.

*Chief Executive Officer's powers of fine and punishment.*

The Gujarát Sabha suggest that the words "does not exceed Rs. 10" may be substituted for the words "does not exceed Rs. 25" in clause (ii) of section 152 (1). They state—

To authorize a Chief Executive Officer to appoint, without sanction of the Municipality, persons to any post, the monthly salary of which does not exceed Rs. 25, is to give him greater privileges than Subordinate Judges and Mamlátdárs possess in this regard. While it is scarcely necessary to point out that in many, if not most, of the City Municipalities likely to be created under section 146, sub-section (1), the Chief Executive Officer's position will not be superior to that of a Subordinate Judge or a Mamlátdár.

Messrs. Keshavlal, Mulchand, and Ramanbhai and the Nadiád and Ahmedabad Municipalities concur in the views expressed by the Gujarát Sabha.

These gentlemen and the Ahmedabad Municipality also suggest that the following may be added as clause (iii) of sub-section (1) of section 152 :—

"(iii) The appointments so made shall be subject to revision by the Municipality."

They think that the appointments of municipal servants ought to be under the final control and revision of the Municipality.

The Karáchi Municipality state—

Section 152 relates to the filling up of appointments, &c. by the Chief Executive Officer, and confers on him unlimited power, except in the case of the appointment of the Health Officer, Engineer, or Chief Accountant. In regard to all other appointments the initiative is with the Chief Executive Officer. He recommends, and the Municipality has simply the power to veto. Considering that the power hereunder granted is too extensive, the Committee are of opinion that the Chief Executive Officer should have power to fill appointments up to Rs. 100 only.

The Reverend Mr. Cecil S. Rivington suggests that the word "Secretary" may be inserted after "Chief Accountant" in sub-section 2 of section 152, as in the Gadag Municipality the Secretary acts as Chief Accountant, but is not so named.

## SECTION 152 (2).

Messrs. Keshavlal, Mulchand, and Ramanbhai, and the Ahmedabad Municipality are of opinion that the words "exceeding the amount of one week's salary of the officer or servant so fined" in sub-section (2) of section 152 should be omitted, as they think that all orders of fine ought to be appealable.

The Ahmedabad Municipality also suggest that the following sentence may be inserted at the end of sub-section 2 of section 152 :—

"Provided no appeal shall lie in the case of servants getting a salary of Rs. 10 per month or less being fined one week's salary or less."

The Honourable Mr. James states that the words "managing committee" may be substituted for the word "Municipality" in line 17 of clause (2) of section 152, as in a City Municipality the time of the general meetings is too valuable to be taken up with petty cases of the punishment of employes.

SECTION 154 (1).

*Chief Executive Officer may take part  
in discussions.*

Messrs. Keshavlal, Mulchand, and Ramanbhai suggest that the figure "(1)" in section 154 should be omitted, as there is no other sub-section. This may be done.

## SECTION 155.

*Constitution of notified areas.*

With their letter No. 4135, dated the 15th November 1898, the Government of India forwarded an extract from the report of the Sanitary Board in the Madras Presidency for the year 1897 regarding rules for the formation of towns in the vicinity of railway stations, and requested that the action which might be taken by this Government might be reported to the Government of India. The Honourable Sir Charles Ollivant, while minuting on these papers, stated that it was desirable to obtain legislative authority to control inhabited areas in the vicinity of railway stations and other like situations, so that validity might be given to rules of the nature adopted by the Government of Madras, and that when the Bill was passing through the Select Committee he proposed so to amplify the terms of the "Notified Area" chapter as to give effect to this proposal. The honourable member also minuted in the Legislative Department that section 155 (3) (b) of the District Municipal Bill should be amplified so as to be applicable to any area within [one mile] of a railway station and that the Remembrancer of Legal Affairs might be requested to remodel the clause so as to provide for the object in view.

Accordingly the Legal Remembrancer submitted the following sub-clause to be inserted in the Bombay District Municipal Bill in sub-section 3 of section 155 after paragraph (b) :—

(c) unless it is within a distance of one mile from a railway station."

In connection with this subject attention is solicited to the remarks made against sections 155—159 at pages 39—40 of the Detailed Statement of Objects and Reasons prepared by the Honourable Mr. James.

## SECTION 155.

*Constitution of notified areas.*

With their letter No. 4435, dated the 15th November 1898, the Government of India forwarded an extract from the report of the Sanitary Board in the Madras Presidency for the year 1897 regarding rules for the formation of towns in the vicinity of railway stations, and requested that the action which might be taken by this Government might be reported to the Government of India. The Honourable Sir Charles Ollivant, while minuting on these papers, stated that it was desirable to obtain legislative authority to control inhabited areas in the vicinity of railway stations and other like situations, so that validity might be given to rules of the nature adopted by the Government of Madras, and that when the Bill was passing through the Select Committee he proposed so to amplify the terms of the "Notified Area" chapter as to give effect to this proposal. The honourable member also minuted in the Legislative Department that section 155 (3) (b) of the District Municipal Bill should be amplified so as to be applicable to any area within [one mile] of a railway station and that the Remembrancer of Legal Affairs might be requested to remodel the clause so as to provide for the object in view.

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In connection with this subject attention is solicited to the remarks made against sections 155—159 at pages 39—40 of the Detailed Statement of Objects and Reasons prepared by the Honourable Mr. James.

## SCHEDULE E.

*City Municipalities.*

The Sanitary Board propose that in Schedule E, Belgaum may be added to the towns in the Southern Division, and Dhulia, Sâtara and Wai to those in the Central Division. Perhaps the first three towns may be made City Municipalities (*vide* the note against Schedule E at page 49 of the Detailed Statement of Objects and Reasons).

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## GENERAL REMARKS.

Mr. W. A. Chambers, Member of the Bándra Municipality, makes the following remarks :—

I am also of opinion that an undue amount of executive work is thrown on members. This means that their time is unfairly taxed, and municipal administration suffers in repute. Nor do I see any way out of the difficulty unless more expert executive officers are employed. This, because of the poverty of Municipalities, cannot usually be done, and I, therefore, suggest that boards be grouped so that they may be able to bear the expense of a good Executive Engineer and Health Officer. These officers, with the help of the present staffs, will relieve the members of duties which at present bear heavily on the conscientious municipal councillors.

2. I am further of opinion that boards should have easily used powers to acquire land and property, so that they can convert the former into building sites, and destroy the latter when insanitary. Building sites would, if judiciously selected, be valuable assets, and would enable the boards to make many improvements which now they cannot do, because of lack of funds.

With reference to paragraph 1, attention is solicited to Chapter XII of the District Municipal Bill.

Mr. M. E. Pereira, a member of the Bándra Municipality, states—

Bándra is a Mofussil town and a portion of it has been taken by the Bombay Municipality. People living in that portion enjoy the benefits, like other inhabitants of Bándra, without contributing for it,—for instance, the use of tank water, municipal schools, municipal dispensary, markets, roads, and vaccination, &c. They are very often the cause of bringing infectious diseases here. I would therefore propose in such cases that the Bombay Municipality should give out a portion of the income derived from that locality (slaughter-houses) to the Bándra Municipality.

<sup>inhabitants of Vas</sup>  
The ~~Ward~~ Municipality make general remarks in connection with the District Municipal Bill and approve of the representation made by the Sátára Municipality.

Messrs. Keshavlal, Mulchand, and Ramaubhai are of opinion that wherever a penalty of fine has been provided for in the new Act, fines of Rs. 1,000 should be altered to fines of Rs. 500 and fines of Rs. 500 to fines of Rs. 200. They state that the amounts of fine proposed in the Bill are exceedingly heavy and will be found to work with harshness; that the maximum amounts being large, Magistrates will generally inflict heavy fines, and that in Town Municipalities many buildings in respect of which owners may be fined will be hardly worth Rs. 1,000.

Mr. M. G. Abhyankar suggests that if three-fourths of the number of voters in a municipal ward ask for the opening or closure of a liquor shop in that ward, the Municipality may have the power to do so subject to the sanction of Government. He states that a liquor shop is a great nuisance in a locality where the majority of the residents are tee-totalers.

He also states that City Municipalities should have the power of checking begging as in the case of the Poona Cantonment.

Rule 208 of the rules under the Cantonment Code, 1899, prescribes that no mendicant shall, in any street or public place in the Cantonment, loiter or beg for alms.

The Sanitary Board state that Municipalities should have power to prohibit any insanitary building being constructed, or any insanitary act being done, within one-fourth of a mile of their own boundaries, such as digging pits for clay and not filling them up again, erecting private tanneries or slaughter-houses on the windward side of the town.