

The entries in this book shall be transcribed into the Daily Collection Register, and when filled up, it shall be returned to the office for record.

NOTE.—If the taxes are collected during the quarter in which they are due, and there are no arrears, this form may be used in place of Form I.

47. The entries in the Sarkar's Daily Register shall be posted into the Bill Register (see rule 40), and the Tax-daroga shall post the total received from each sarkar into his Cash-book, as provided in Part I of the Account Rules.

48. The Tax-daroga or Head Clerk shall then post the Sarkars' Ledgers, Form K, one of which shall be kept for each circle of collection.

FORM K.

Circle No.

Sarkar's Ledger.

Date.	Old arrears.	PREVIOUS YEAR.				CURRENT YEAR.				Total.
		First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	
1	2	3	4	5	6	7	8	9	10	11
Demand or balance from last month—										
Collections—										
1st										
2nd										
3rd										
4th										
&c.										
Total collection during the month										
Remissions—										
1st										
2nd										
3rd										
4th										
&c.										
Total remissions during the month										
Total of collections and remissions										
Balance										

NOTE.—By inserting a column "Number of bills" between columns 1 and 2, and similar columns in the Collection and Remission Registers, the actual number of bills outstanding, as well as their value, can be ascertained.

49. The entries under the heading Collections shall be filled up from the daily totals in the Daily Collection Register under the various quarterly columns. The remissions may either be taken from the file of remission orders (see rule 24) or, if a Remission Register is kept (see rule 26), from that Register. The sample form given above provides for entry of the total of each day's remissions according to the former method, but if the latter method is adopted, the form may be simplified by recording only the total of the Remission Register for the month concerned, in one entry in the various quarterly columns, as it is unnecessary to show details of the remission orders in the Sarkar's Ledger as well as in the Remission Register.

50. The Sarkar's Ledgers shall be closed and balanced at the end of each month, and the totals of the collection and remission shall then be posted into the Progress Statement, Form L.

NOTE.—If there is only one circle of collection, Form K may be made to serve the purpose of Progress Statement.

(cl.)

FORM L.
Progress Statement.

	Arrears	PREVIOUS YEAR.				CURRENT YEAR.				Total.
		First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	
1	2	3	4	5	6	7	8	9	10	11
Demand										
Collection—										
Circle No. 1 ...										
Ditto 2										
Ditto 3										
&c.										
Total collection of month										
Collections up to end of last month										
Grand total of collections										
Remissions—										
Circle No. 1										
Ditto 2										
Ditto 3										
&c.										
Total remissions of the month										
Remissions up to end of last month										
Grand total of remissions										
Grand total of collections and remissions										
Balance ...										

51. The entry under the heading "Demand" will be the aggregate of the circle demands of the same quarters in the Demand and Bill Registers and the Sarkars' Ledgers. The figures to be posted as "Collections up to the end of the previous month" and "remissions up to the end of the previous month" will be those shown as "Grand total of collections" and "Grand total of remissions" in the Pro-

gress Statement of the previous month. The collections of the month shall be verified by the Accountant with the Abstract Register of Receipts, Form XII, and the Cashier's Cash-book, Form III, and the remissions with the Remission Register or file of remission orders. If any discrepancies are noticed, the accounts of the month must be re-checked until the errors are detected and rectified. As soon as the correctness of the Progress Statement has been proved by the Accountant, he shall sign it and lay it before the Vice-Chairman, and when it has been passed and signed by the Vice-Chairman, it shall be placed with the sarkars' ledgers before the next ordinary meeting of the Municipal Commissioners.

52. The Progress Statement represents the state of the collection accounts as a whole and sarkars' ledgers of each circle separately, and they should be carefully scrutinized with a view to the adoption of measures for the collection or remission of arrears.

53. The Progress Statements and sarkars' ledgers show only the aggregate of the demands under each quarter. To obtain details of the unrealized bills reference must be made to the Bill Registers, and to ensure that these important registers are kept posted up to date, as well as to prove the correctness of the accounts, and act as a deterrent to the commission of fraud, a comparison shall be made once* every six months, or oftener if the Commissioners desire it, of the entire balance of bills in hand and the blank spaces in the Bill Register. If any differences are found, they must be reconciled immediately either by tracing the cause of the error or recovering from the Tax-daroga or sarkars any deficiencies for which they are unable to account. If the scrutiny leads to the

* As amended under notification No 1530T.-M., dated 12th September 1906.

detection of any embezzlement, the facts shall be immediately reported to the Examiner of Local Accounts, in accordance with rule 8, Part I of these rules.

54. Every year, in the month of April, the Commissioners shall submit a copy of the Progress Statement Form L, for the month of March preceding, through the Magistrate to the Commissioner of the Division, and if there are outstandings extending further back than the first quarter of the previous year, full explanation shall be given as to why these taxes have neither been collected nor remitted, and the Commissioner of the Division shall forward these explanations to Government with his remarks with his annual report on the working of municipalities in the Division.

55. The form of Remission Register, Daily Collection Register, Sarkars' Ledgers and Progress Statements classify the outstandings for each quarter separately of the current and previous years only. Except under very special circumstances, taxation should never be allowed to fall into arrears extending over more than one complete year. If, however, arrears of earlier date than the previous year still remain on the books, they shall be consolidated into one account and be shown in the column "Old arrears" in the forms referred to above. At the same time a list shall be made from the Bill Register of all such bills, the letter A being placed against the blank spaces, and future realizations and remissions shall then be noted in these lists, and not in the original Bill Registers, which will have been finally cleared.

56. The form of list may be similar to that prescribed for the Bill Register (Form H). The same care must be taken to have the payments and remissions posted in these lists, as in the Bill Registers (see rule 40). The consoli-

dition of two or more quarters' outstandings into one account may also be made at any time when more than 75 per cent. of the demand has been satisfied, but the separate lists of uncollected demands must always be prepared before this is done.

SERVICE OF NOTICES OF DEMAND AND DISTRESS WARRANTS.

57. If the amount mentioned in the bill be not paid on presentation thereof under rule 42, the notice of demand with a copy of the bill annexed may be served at once and at the latest it shall be served on the first day of the second month of the quarter when the sarkar shall again take round the undelivered receipts, together with the notices of demand which shall in the interval have been attached to the receipts by the Tax-daroga. If the demand is then not paid, the notice of demand shall be left with the assessee, and the undelivered receipt shall be returned to the Tax-daroga for the preparation of distress warrants with a note of the date on which the notices of demand were served. When fifteen days shall have elapsed after the delivery of a notice of demand, the sarkar shall proceed with a warrant of distress, and if the demand as well as the fee prescribed by law for the warrant expenses be not then satisfied, he shall make an attachment of the defaulter's property, preparing an inventory of all goods and chattels so attached, and proclaiming a notice of sale by beat of drum.

WARRANT DEPARTMENT.

58. The procedure prescribed in the preceding rule presupposes the service of the warrants by the sarkars. If there is a separate warrant department, the bills trans

ferred to that department should be deducted from the balance of the sarkars' ledgers and be treated as a separate circle or circles of collection. Each warrant sarkar or bailiff shall keep a collection register in Form I, and the progress of his work shall be recorded in a ledger in Form K, the monthly totals of which shall be embodied in the Progress Statement, Form L. The remissions and collections shall either continue to be shown in original Bill Registers, or separate registers may be opened for the Warrant Department, the letter W being entered in the original Bill Register against all bills transferred. The latter course need be adopted only when there is a complete division between the Collection and Warrant Departments.

59. As warrants are issued they shall be recorded in a register in Form M—

REGISTER OF WARRANTS ISSUED.

FORM M.

Serial number of warrant.	Mabla.	Number of holding.	Name of tax-payer.	Quarter for which tax is due.	AMOUNT OF TAX DUE FOR EACH QUARTER.				Amount of penalty due.	Date of Vice-Chairman's order for issue of warrant.	Date of issue of warrant to tahsildar.	Date of realisation of amount.	Actual penalty realised.	Number in Register of distraint (if sale of property is effected.)	Initials of tax-daroga.	Orders and initials of Vice-Chairman (if penalty is remitted.)	REMARKS.
					House.	Latrine.	Water.	Lighting.									
1	2	3	4	5	6				7	8	9	10	11	12	13	14	15

And the fees realised otherwise than by the seizure and sale of property, for which a form of account is prescribed in Form E (4th schedule of the Municipal Act) shall be recorded therein.

BILLS PAID AT OFFICE.

50. In the event of unpaid bills of which the counterfoil and red receipt are in the custody of the Tax-daroga being brought to the Municipal Office and there satisfied, the Tax-daroga should deal with the transaction precisely as the collecting sarkar does in ordinary course. All collections thus made shall be entered immediately in a form of collection account; and, on the return of the sarkars, the entries shall be transferred to the respective Collection Registers of the circles to which they belong.

61. If payment of taxes is made at the office when the prescribed form of receipt has been taken by the sarkar on his rounds, a provisional receipt for the money shall be given by the Tax-daroga in a form of printed receipt bound in a book with counterfoils and serially numbered in print (Form XXXVI will serve if such receipts are rare), and on return of the sarkar, the Tax-daroga shall be responsible for removing the formal receipt from the bill book and noting the payment of the claim in the counterfoil. The receipts shall then either be sent to the rate-payer or be cancelled and attached to the counterfoil of the provisional receipt. The risk and trouble attendant on this procedure may, however, be avoided if the Commissioners give notice under section 117 of the Act of the hours on which the office will be open for the receipt of money. The sarkars should then be required to attend the office during those hours, either before or after their daily rounds, and the Commissioners would be under no obligation to accept payments except when the sarkars were in attendance.

COLLECTION OF TAXES AT THE MUNICIPAL OFFICE.

62. An alternative procedure is suggested, the distinctive feature of which consists in the refusal to permit the

sarkars to collect any money. Their duty will be strictly limited to serving the bills and notices of demand upon the assessee in the manner prescribed in the preceding rules. But each bill will contain a caution against the payment of any money to the server of the bill, and a direction to the rate-payer to proceed to the Municipal Office and pay the amount of the bill there.

63. At the end of each week the serving peon will bring back the bill-books and receipts to the Municipal Office with a certificate that every bill missing from the book has been properly served upon the assessee.

64. The Tax-daroga, assisted by a sufficient number of clerks, should remain in the Municipal Office at a counter during certain fixed hours of each day, and upon presentation of a bill by a tax-payer, he should receive the amount and hand to the tax-payer the corresponding red receipt.

65. The amount so received should be entered in a Daily Collection Register, Form I, one such register being used for each kind of rate or tax. A separate register or set of registers, should, of course, be supplied to each receiving clerk.

66. If this method of collection is adopted, it will not be necessary to subdivide the accounts into circles of collection. The daily totals of the various collection registers can be brought together in an abstract and the grand totals transcribed into Form K as one collection account. The accounts of the warrant sarkars, or bailiffs may, however, be kept as separate circles of collection in accordance with rule 58, but ordinarily the Transit Register, Form J, should suffice to show the liability of each warrant sarkar.

CIVIL

Form for Petition of objection against assessment or valuation under section 113 of the Bengal Municipal Act, to be presented within one month from the date of publication of the assessment or Valuation List.

The petitioner is required to fill up only columns Nos. 1 to 7, the rest are to be filled up by the officer noted herein.]

1	2	3	4	TAX.		7	8	9	SUB-COMMITTEE'S ORDERS WITH REGARD TO EACH HOUSE.		12	13
				5	6				10	11		
Date of petition.	Petitioner's name, his father's name.	Number or name of the mahallas in which each house exists.	Number of house on the Register over-assessed in each mahalla.	Paid last year.	Assessed this year.	Grounds of remission to be stated in brief by the applicant.	Office certificate as to the correctness of columns 1 to 5 (in brief.)	Opinion of Ward Commissioner or of the officer enquiring.	Amount remitted	Amount finally assessed.	Initials of the disposing officer.	Remarks of the disposing officer as to any arrears due from the petitioner and the date from which the order is to take effect.

H. H. RISLEY,

Secy. to the Govt. of Bengal.

XII

MODEL RULES FOR MUNICIPALITIES UNDER SECTION 351 A, ACT III (B.C.) OF 1884.

(a) *The time and place of their meetings, the business to be transacted at meetings, and the manner in which notice of meetings shall be given.*

Rule 1.—An ordinary meeting of the Commissioners shall be held on the day* of every month. Provided that if the day of any month falls on a gazetted holiday,

e.g. "first Monday" "last Saturday."

or if for any other reason it is deemed inconvenient, the Chairman may fix another day for the ordinary meeting.

Rule 2.—Meetings shall be held at the office of the Commissioners, or at such place as the Chairman may from time to time determine.

Rule 3.—Notices of motions, accompanied by *verbatim* drafts, must be sent to the Chairman, or, in the case of there being a Secretary, to the Secretary, in time to be included in the list of business for the next meeting. Notices received too late shall be inserted in the list of business of the next succeeding meeting.

Rule 4.—A notice book shall be kept by the of the Commissioners, in which all notices of motions shall be entered. All such notices shall be dated and numbered as received.

Rule 5.—At least one week's notice of all meetings shall be given to every Commissioner.

Rule 6.—The notices shall set forth clearly and fully the business to be transacted at the meeting, and no business other than that so stated shall be transacted, except with the consent of all the Commissioners present.

Rule 7.—The notice shall be sent by post or by such other method as may be convenient. Provided that if a local newspaper be published in the municipality, the Commissioners, by a resolution duly passed, may decide that the publication of a general notice in the newspaper in question shall be sufficient.

(b) *The conduct of proceedings at meetings, the due record of all dissents and discussions, and the adjournment of meetings.*

ORDER OF BUSINESS.

Rule 8.—At ordinary meetings, the business shall be conducted in the following order:—

[a] The minutes of the last ordinary meeting, and of any special meeting held since, shall be read, and if approved as correctly entered, shall be signed by the Chairman of such meeting.

[b] Business postponed from the last ordinary meeting shall be considered.

[c] A progress report of works shall be laid before the Commissioners.

[d] Letters and reports of Committees shall be read, and accounts and statements shall be considered and passed.

[e] Motions of which due notice has been given to be discussed.

Rule 9 —At a special meeting, only the business for which the meeting was called shall be considered. Provided that, with the consent of all the Commissioners present, any other business may be considered.

Rule 10.—In the event of any objection being raised to the manner in which any resolution has been recorded, the Chairman shall decide the question after reference to the original draft of the resolution, and if he finds the minute to be inaccurate, shall make the necessary correction in the minute book.

Rule 11 —Unless by permission of the majority of the meeting, all subjects shall be discussed in the order in which they appear in the notice paper.

OF MOTIONS AND AMENDMENTS.

Rule 12 —Every motion or amendment duly moved must be seconded, and until seconded, no debate thereon can take place.

Rule 13.—Every motion or amendment duly made and seconded, and pressed to a division, shall be reduced to

writing and signed by the proposer and seconder before being put to the vote. Every such resolution or amendment shall be recorded in full in the proceedings, together with the number and names of voters for and against it.

Rule 14.—Every amendment shall be so worded as to be capable of making an intelligible sentence either alone or in its proper place in an original motion, as the case may be; provided that no amendment can merely negative the original motion.

Rule 15.—The President of the meeting may, for reasons to be recorded in writing and entered in the minutes of the proceedings:—

[a] rule that a motion or amendment is illegal or out of order, and

[b] make such alterations in a motion or amendment as shall in his opinion render it legal and in order;

and may in case [a] refuse to put the motion or amendment to the meeting, and in case [b] refuse to put the motion or amendment to the meeting unless and until the proposer and seconder accept and sign the alterations so made.

And the decision of the President shall be final.

Rule 16.—After a motion has been moved and seconded, an amendment may be moved at any stage of the debate thereon.

Rule 17.—On the discussion being concluded, in the event of several amendments having been proposed, the President shall put the last amendment to the vote first; if it is negatived, he shall put the last preceding amendment and lastly, the first amendment; and if all the amendments are lost, the original proposition shall be put to the vote.

Rule 18.—When a motion or an amendment has been put from the chair, and been declared by the President to be duly carried, no further proposals for amending the motion or amendment can be entertained.

OF THE RIGHT TO SPEAK.

Rule 19.—The President may require members to stand when they address the meeting.

Rule 20.—The member who first rises to address the meeting shall be entitled to be heard first, and should more than one member rise to address the meeting at the same time, the order of precedence shall be determined by the President.

Rule 21.—Any member shall be at liberty to call the attention of the President to a point of order, even when a member is speaking. On a point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the President. After the decision of the President, the same point of order cannot be raised again. Except as provided by this rule, no member shall interrupt a speaker in possession of the meeting.

Rule 22.—Except as provided in the last preceding rule, no member shall speak except to move or second a motion or amendment, or to support or oppose a motion or amendment which has been duly moved and seconded.

Rule 23.—A speaker, who has exhausted his right to speak on an original motion, may speak on any amendment being moved, as that raises a new question.

Rule 24.—The mover of a motion or amendment shall in all cases have a right of reply, but otherwise no member shall speak more than once on the same motion or amendment, unless in explanation of some part of the original speech.

OF PROTESTS OR DISSENTS.

Rule 25.—Protests must be limited to a concise and definite statement of the motives which prompted the votes of members who voted in the minority on a given question.

Rule 26.—Protests must be handed to the Chairman before the conclusion of the meeting at which the resolution protested against was passed.

Rule 27.—Protests duly made shall be appended to and published with the minutes.

OF ADJOURNMENTS.

Rule 28.—It shall be competent to any member to move the adjournment of the debate or of the meeting in a speech not exceeding five minutes in duration.

Rule 29.—When a motion for the adjournment of the meeting or of a debate is made, it shall be seconded, without a speech, and put by the Chairman to the vote without debate or amendment.

Rule 30.—No motion for the adjournment of the meeting or of a debate shall be admissible which proposes an adjournment beyond the next ordinary meeting.

ADJOURNED MEETINGS.

Rule 31.—An adjourned meeting is not competent to transact any business save that which the original meeting left unfinished.

Rule 32.—An adjourned meeting, being merely a continuation of the original meeting, does not require any fresh notice.

MISCELLANEOUS.

Rule 33.—Unless not less than two-thirds of the Commissioners consent by signing a requisition, no

subject once finally disposed of can be reconsidered within six months.

Rule 34.—When any business, of which notice has not been given, is considered at a meeting, the decision recorded or resolution adopted at such meeting may, with the consent of two-thirds of the Commissioners present, be reconsidered at the next succeeding ordinary meeting.

Rule 35.—For the purpose of taking into consideration business involving many details, the meeting may resolve itself into a Committee of the whole body. When this has been determined on, the rule prohibiting any person from speaking more than once on the same question shall be deemed suspended until the meeting resumes.

Rule 36.—When a motion or amendment is put to the vote, the President or Secretary shall record against it, *first* the names of members voting for it, and then the names of those voting against it.

Rule 37.—Voting by proxy is prohibited; and no member may vote upon any motion or amendment unless he be present in person at the time when it is put to the vote.

Rule 38.—The minutes shall contain a brief abstract of the discussion preceding each resolution

Rule 39.—A copy of the minutes of the proceedings of any meeting of the Commissioners shall be supplied to every Commissioner who may apply for it. An abstract of the minutes shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the Commissioners.

ELECTION OF CHAIRMAN OR VICE-CHAIRMAN.

Rule 40.—At a meeting called to elect a Chairman, the Commissioners shall first proceed to elect a President of the meeting. Such President shall not be a candidate for the office of Chairman.

Rule 41.—If the number of votes for two Commissioners proposed as President of the meeting is equal the selection of one of them shall be decided by lot.

Rule 42.—The Chairman and Vice-Chairman shall be elected, after such discussion as may be necessary, by each Commissioner handing to the President a signed voting-paper containing the name of the person for whom he votes; the President also voting similarly.

Rule 43.—The President, as soon as all the voting-papers have been delivered to him, shall openly produce and read them, and count the votes.

Rule 44.—The candidate for whom there is the largest number of votes shall be declared by the President to be and thereupon shall be elected. In case of equality of votes the President shall give the casting vote.

(c) The custody of the common seal.

Rule 45.—The common seal shall remain in the custody of the Chairman. Provided that if a Secretary has been appointed, the Chairman may by a written order delegate the custody of the seal to the Secretary.

(d) The division of duties among the Commissioners, and the powers to be exercised by Sub-Committees or members to whom particular duties are assigned.

DIVISION OF DUTIES AMONG THE COMMISSIONERS.

Rule 46.—The Commissioners may, from time to time appoint out of their number such and so many

Committees either of a general or special nature, and consisting of such number of persons as they think fit, for any purposes which in their opinion can be conveniently regulated and managed by means of such Committees; but the acts of every such Committee shall be submitted to the Commissioners for their approval.

Rule 47.—The members of the General Committees shall hold office for one year only, but shall be eligible for re-appointment.

Rule 48.—Save in the case of illness, a member or a General Committee who, without the previous permission of the Commissioners shall fail to attend six consecutive meetings of such Committee, shall thereby cease to be a member, and the Committee shall apply to the Commissioners to appoint another member in his place.

Rule 49.—The Commissioners may, from time to time, delegate to one or more of its members the duty of inspecting any work which is being carried out under their orders or any institution under their control and management.

PROCEEDINGS OF COMMITTEES.

Rule 50.—A Committee may meet and adjourn as it thinks proper.

Rule 51.—The quorum of a Committee shall be three members.

Rule 52.—A Committee may elect a Chairman of its meetings.

Rule 53.—If no Chairman is elected, or if the Chairman elected is not present at the time for holding any meeting, the members present shall choose one of their number to be Chairman.

Rule 54.—Every question at a meeting shall be deter-

mined by a majority of the votes of the members present and voting on that question.

Rule 55.—In case of an equal division of votes, the Chairman shall have a second or casting vote.

(e) The persons by whom receipts shall be granted for money received under this Act.

(This matter may be left to the Account Rules.)

(f) The duties, appointment, leave, suspension, and removal of the officers and servants of the Board.

Rule 56.—The Chairman may suspend any officer or servant of the Commissioners for misconduct or incompetence. Provided that, in every case in which the officer's salary exceeds twenty rupees per mensem, the matter shall be laid before the Commissioners at their next ordinary meeting.

Rule 57.—Casual leave for a period not exceeding seven days at any one time, or 15 days in 12 months, and leave on medical certificate for any period not exceeding a month, may be granted by the Chairman with or without pay, and with or without the appointment of a substitute, to any officer or servant of the Commissioners.

58. All other leave must be granted by the Commissioners at a meeting, provided that the leave and leave allowances granted to any employé of the Municipality shall in no case exceed that or those to which he would be entitled, if he were a Government servant.

NOTE.—The appointment and removal of officers and servants are provided for in the Act, and rules may be dispensed with. As to the duties of municipal servants, they vary so much in different municipalities that it is not desirable to deal with them in a set of model rules. Each Municipality can make its own rules, if they are needed.

XIII

MODEL BYE-LAWS UNDER SECTION 350, ACT
III [B. C.] OF 1884, AS AMENDED BY ACT IV
[B. C.] OF 1894.*

Definitions.

In these bye-laws terms which have been defined in section 6 of the Act shall be held to have the meanings assigned to them in that section.

The term "Cattle" is to be interpreted in accordance with the definition given in section 3 of the Cattle Trespass Act (I of 1871.)

The penalty for the infringement of any bye-law shall be a fine not exceeding the amount stated at the foot thereof, and in the case of a bye-law creating a continuing offence, a further penalty not exceeding the amount stated to be the daily fine, for each day after written notice of the offence from the Commissioners.

Regulating traffic, and for the prevention of obstructions and encroachments and of nuisances on or near roads.

1. Except on bright moonlight nights, no person shall, between dusk and dawn, drive any carriage not carrying two conspicuous lights, or any cart, elephant or camel not carrying one conspicuous light, or convey any palanquin not carrying one conspicuous light.

Fine, Rs. 10.

2. No person shall drive any cart laden with bamboos, planks or other materials of a similar character on any road unaccompanied by some other person.

Fine, Rs. 5

* Revised by Government Circular No. 17M., dated the 20th March, 1896.

NOTE.—The bye-laws marked with an asterisk are suitable for the more advanced municipalities only.

3. No person shall drive any carriage or cart laden with bamboos, planks or other materials of a similar character exceeding twelve feet in length and projecting beyond such carriage or cart on any road after dark and before dawn.

Fine, Rs. 5.

4. No person shall, without the general or special permission of the Commissioners in writing, take an elephant or camel along any road.

Fine, Rs. 20.

5. No person shall allow any elephant in his charge to go over any bridge on any road, unless it be of arched masonry.

Fine, Rs. 25.

6. No driver shall drive, or have in his charge on any road more than one carriage or cart, except in the case of two carts one of which is securely fastened to the preceding cart.

Fine, Rs. 5.

7. No owner of any carriage shall allow it to be driven on any road by a driver under fourteen years of age.

Fine, Rs. 10.

8. No person shall take or drive any carriage or cart over a road or part of a road temporarily closed under section 201 of Act III [B. C.] of 1884.

Fine, Rs. 20.

*9. No person shall drive a cart laden with bricks, stones, or other materials of a similar character, on any road unless such bricks, stones or other materials are so secured that they cannot fall on the road.

Fine, Re. 5.

10. No person driving a cart or carriage on any road shall contravene the rule of the road. He shall when passing another vehicle coming from the opposite direction, keep to the left, and when overtaking another vehicle keep to the right.

Fine, Rs. 10.

*11. No person shall wilfully ride or drive or lead any cattle upon any foot-path or causeway made, or set apart for the use of foot-passengers.

Fine, Rs. 10.

12. No person shall break in horses on any road not set apart for such purpose.

Fine, Rs. 10.

*13. No person shall convey bamboos or timber on the backs of animals in such a way that any portion of such bamboos or timber touch the ground.

Fine, Rs. 5.

*14. No person shall set up a stall over any public drain or upon any culvert, bridge, or platform over a public drain adjoining any road.

Fine, Rs. 20.

*15. No person shall let off any firearms, bombs, fireworks, or fire-balloons on or within one hundred yards of any road without the permission of the Commissioners in writing.

Fine, Rs. 25.

16. No person shall slaughter any animal, or clean any carcass on or within sight of any road.

Fine, Rs. 10.

17. No person shall commit a nuisance by casing himself in, or by the side of, or near to any road.

Fine, Rs. 5.

18. No person shall convey sewage or offensive matter by any road otherwise than in a closely covered receptacle, of such description and pattern as shall be prescribed from time to time by the Commissioners at a meeting and between such hours as the Commissioners at a meeting may from time to time prescribe.

Fine, Rs. 10.

19. No person shall remove any turf, or cut grass from any road or from the slopes thereof.

Fine, Rs. 5.

20. No person shall plant a tree on any road without the permission of the Commissioners in writing.

Fine, Rs. 5.

21. No person shall sleep on any road so as to obstruct traffic.

Fine, Rs. 5.

Regulating the use of and the prevention of nuisances in regard to, public water-supply, bathing and washing places, rivers, streams, channels, tanks and wells.

22. No person shall ease himself at the side of, or throw, deposit, or discharge any rubbish, sewage, or offensive matter into any river, stream, channel, drain, or tank.

Fine, Rs. 10.

23. No adult male person shall bathe at a bathing place, or bathing ghat which, by an order of the Commissioners at a meeting, has been reserved for women.

Fine, Rs. 10.

24. No person shall bathe or wash clothes, utensils, or any other article, within a distance of ten feet from the lowest platform of any public well.

Fine, Rs. 10

25. No person cleansing any channel or tank shall leave the weeds taken therefrom on the slopes or banks of the same, but shall remove them altogether within three days.

Fine, Rs. 10.

Of the supply of drinking water.

26. No person shall use any stand-pipes or fountains, belonging to the Commissioners for purposes other than drawing water for drinking on the spot, or for carrying away for domestic purposes, except with the permission of the Commissioners, and under such conditions as they from time to time may fix.

Fine, Rs. 25.

27. No person shall use any public drinking trough except for watering cattle.

Fine, Rs. 10.

Regulating the disposal of sewage, offensive matter, carcases of animals, and rubbish, and the management of privies, drains, cesspools, and sewers.

28. Every person within whose premises any animal may die shall, within six hours after its death, or if death occurs at night, within six hours after sunrise, either remove at his own expense the carcass to such place as may be set apart by the Commissioners for the reception of such carcasses, or report the death to the Conservancy Overseer of the Ward within which such premises may be situated.

Fine, Rs. 25.

29. Every owner or occupier of any[†] house, land, or premises from which sewage or offensive matter is not

removed by such owner or occupier, shall give free access to the servants of the municipality for the removal of such sewage or offensive matter within such hours as may have been fixed by the Commissioners.

Fine, Rs: 10.

Regulating cremations and burials and the disposal of corpses.

30. No person shall bury, or cause to be buried, any corpse in any burial-ground in a grave constructed of masonry, in such a manner that the top of the coffin, or the body when no coffin is used, shall be at a less depth than six feet from the surface.

Fine, Rs. 25.

31. No person shall bury, or cause to be buried, in any burial ground any corpse in a grave not constructed of masonry which shall be less than six feet deep.

Fine, Rs. 20.

32. No person shall build or dig, or cause to be built or dug any grave in a burial-ground at a distance of less than three feet from any other existing grave.

Fine, Rs. 20.

*33. No person shall build or dig, or cause to be built or dug, a grave in any burial place in any other line than that marked out by the Commissioners.

Fine, Rs. 10.

34. No grave once used shall be opened for the burial of another body without the permission of the Commissioners in writing.

Fine, Rs. 20.

35. Every person who shall convey, or cause to be conveyed any corpse to any burning ground, shall

burn, or cause the same to be burnt, within six hours after its arrival at the said burning ground.

Fine, Rs. 20.

36. Any one burning, or causing to be burnt, any corpse at any burning ground or burning ghat, shall cause the same to be completely reduced to ashes, and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

Fine, Rs. 10.

37. No person shall convey a corpse or part of a corpse through any road, unless it be decently covered and totally concealed from view.

Fine, Rs. 10.

38. No person while conveying any corpse shall, except for the purpose of ordinary relief, deposit it on or near any road.

Fine, Rs. 10.

*39. Without the consent of the Commissioners, no person shall dispose of any corpse otherwise than by burying or burning it.

Fine, Rs. 20.

For preventing nuisances affecting the public health, safety and convenience.

*40. No person shall perform any office of nature in any place outside private premises, other than such as may have been appointed by the Commissioners, provided that such places have been appointed by the Commissioners.

Fine, Rs. 5.

*41. No person shall abandon or let loose, or allow to get loose, any diseased or worn-out cattle within the

limits of the municipality.

Fine, Rs. 10.

*42. No person shall picket animals, or collect carts, or form any encampment, on any public ground not set apart for such purposes without the permission of the Commissioners.

Fine, Rs. 10.

43. No person shall retain or sell the clothes found on dead bodies of persons who have died from small-pox or cholera.

Fine, Rs. 20.

XIV.

Municipalities in Bengal with the number of Commissioners in each.

NAME OF DISTRICT.	Serial number of Municipality	Name of Municipality.	Number of Commissioners.
1	2	3	4

BURDWAN DIVISION.

Burdwan	...	{	1	Burdwan	..	22
			2	Kalna	..	15
			3	Katwa	..	12
			4	Dumhat	..	13
			5	Ran'ganj	..	15
			6	Assansol	..	9
Birbhum	7	Suri	..	16
Bankura	...	{	8	Bankura	..	13
			9	Vishnupur	..	12
			10	Sonamukhi	..	10

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XIV—*contd.*

NAME OF DISTRICT.	Serial number of Municipality	Name of Municipality.	Number of Commissioners.
1	2	3	4

BLDWAN DIVISION—*concluded.*

Midnapore	...	{	11	Midnapore	...	...	...	18
			12	Tamluk	...	...	...	12
			13	Ghatal	...	...	...	15
			14	Chandrakona	...	...	...	9
			15	Ramjibanpur	...	...	...	10
			16	Kharai	...	...	...	16
			17	Kharai	...	...	...	16
Hooghly	...	{	18	Hooghly Chinsura	...	...	...	18
			19	Seemapore	...	...	...	18
			20	Uttarpara	...	...	...	12
			21	Baidyabati	...	...	...	12
			22	Rudreswar	...	...	...	13
			23	Kotrung	...	...	...	9
			24	Bansberia	...	...	...	11
Howrah	...	{	25	Arambagh	...	...	...	11
			26	Howrah	...	...	...	30
			27	Uluberia	...	...	...	9
			28	Bally	...	...	...	18

PRESIDENCY DIVISION.

24-Parganas	...	{	29	Cossipore-Chitpur	...	...	...	12
			30	Manicktola	...	...	...	12
			31	Baranagore	...	...	...	9
			32	Kamarhati	...	...	...	9
			33	South Suburban	...	...	...	11
			34	Tollyganj	...	...	...	9
			35	Garden Reach	...	...	...	13
			36	Rajpur	...	...	...	18
			37	Baruipur	...	...	...	9
			38	Jainagar	...	...	...	12
			39	South Dum-Dum	...	...	...	9
			40	North Ditto	...	...	...	9
			41	South Barrackpore	...	...	...	9
			42	Pandhati	...	...	...	10
			43	Titagarh	...	...	...	9
			44	North Barrackpore	...	...	...	15
			45	Garulia	...	...	...	9
			46	Barasat	...	...	...	18
			47	Naihati	...	...	...	9
			48	Hahabahal	...	...	...	12
			49	Bhatpara	...	...	...	9
			50	Gobardanga	...	...	...	9
			51	Basirhat	...	...	...	15
			52	Maduria	...	...	...	12
			53	Taki	...	...	...	9
			54	Budge-Budge	...	...	...	9

XIV—contd.

NAME OF DISTRICT.	Serial number of Municipality	Name of Municipality.	Number of Commissioners.
1	2	3	4

PRESIDENCY DIVISION—concluded.

Nadia ...	{	55	Krishnagar	21
		56	Santipur	25
		57	Ranaghat	18
		58	Nadia	14
		59	Kushtia	12
		60	Kumarkhali	16
		61	Meherpur	9
Murshidabad ...	{	62	Binmagan	12
		63	Chakdah	42
		64	Be-hampore	25
		65	Murshidabad	15
		66	Azimganj	15
		67	Jangipur	24
		68	Kandi	11
Jessore ...	{	69	Jessore	18
		70	Kotechandpur	9
		71	Maheshpur	16
Khulna ...	{	72	Khulna	15
		73	Satkhira	12
		74	Debhata	12

RAJSHAHI DIVISION.

Rajshahi ...	{	75	Rampur Boalia	21
		76	Nator	19
Dinajpur ...	{	77	Dinajpur	15
Jaipalguri ...	{	78	Jaipalguri	13
Darjeeling ...	{	79	Darjeeling	25
		80	Kurseong	12
Rangpur ...	{	81	Rangpur	18
Bogra ...	{	82	Bogra	15
		83	Sherpur	12
Pabna ...	{	84	Pabna	18
		85	Sirajganj	18

DACCA DIVISION.

Dacca ...	{	86	Dacca	21
		87	Naranganj	12

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XIV—*contd.*

NAME OF DISTRICT.	Serial number of Municipality	Name of Municipality.	Number of Commis- sioners.
1	2	3	4

DACCA DIVISION—*concluded.*

Mymensingh	{	88	Nasirabad	18
		89	Muktasacha	9
		90	Jamulpur	18
		91	Sherpur	13
		92	Kishoreganj	15
		93	Bazilpur	9
		94	Netrokona	16
Faridpur	{	95	Tangail	13
		96	Faridpur	18
		97	Madairpur	13
Backergunge	{	98	Barisal	15
		99	Nalchiti	9
		100	Jhalokati	9
		101	Pirojpur	11
		102	Patuakhali	10

CHITTAGONG DIVISION.

Tippera	{	103	Comilla	18
		104	Brahmanbaria	13
		105	Chandpur	9
Noakhali		106	Noakhali	12
Chittagong	{	107	Chittagong	18
		108	Cox's Bazar	13

PATNA DIVISION

Patna	{	109	Patna	21
		110	Barh	19
		111	Bihar	18
		112	Dinapore	19
Gaya	{	113	Gaya	25
		114	Tikari	12
		115	Daudnagar	15
Shahabad	{	116	Arrah	18
		117	Jagadispur	9
		118	Buxar	13
		119	Dumraon	9
		120	Shahua	10
		121	Sasaram	23

XIV—contd

NAME OF DISTRICT	Serial number of Municipality	Name of Municipality.	Number of Commissioners.
1	2	3	4

PATNA DIVISION—concluded.

Saran ..	{	122	Chapra	...	19
		123	Revelganj		12
		124	Siwan		10
Champaran ..	{	125	Motihari		13
		126	Bettiah	..	13
Muzaffarpur ..	{	127	Muzaffarpur	..	19
		128	Hajipur		13
		129	Lalganj		11
		130	Sitamarhi		12
Darbhanga ..	{	131	Darbhangha		22
		132	Madhubani		16
		133	Roseraha		14
		134	Samastipur		9

BHAGALPUR DIVISION.

Monghyr	{	135	Monghyr		19
		136	Jamnapur	..	18
Bhagalpur	{	137	Bhagalpur		23
		138	Colgong		11
Purnea	{	139	Purnea		19
		140	Kishanganj		13
Malda	{	141	English Bazar		18
		142	Old Malda		12
Southal Parganas	{	143	Deoghur		16
		144	Sahibganj	... .	9

ORISSA DIVISION.

Cuttack ...	{	145	Cuttack		18
		146	Jajpur		18
		147	Kendrapara	..	12
Balasore ...		148	Balasore	...	18
Puri ...		149	Puri	...	15

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XIV—*concl.d.*

NAME OF DISTRICT.	Serial number of Municipality	Name of Municipality.	Number of Commis- sioners.
1	2	3	4
CHOTA NAGPUR DIVISION			
Hazaribagh	150	Hazaribagh	15
	151	Chatra	16
	152	Giridih	9
Ranchi	153	Ranchi	16
	154	Lohardaga	11
Palamau	155	Daltongan	10
Manbhum	156	Purnia	19
	157	Jhalsa	9
	158	Raghumathpur	10
Singbhum	159	Chaibassa	13

XV.

CONNECTED ACTS.

ACT No. III OF 1897.

PASSED BY THE GOVERNOR GENERAL OF
INDIA IN COUNCIL.

*(Received the assent of the Governor General on the
4th February, 1897.)*

An Act to provide for the better prevention of the spread of Dangerous Epidemic Disease.

WHEREAS it is expedient to provide for the better prevention of the spread of dangerous epidemic disease; It is hereby enacted follows :—

Short title, extent and commencement.

I. (1) this Act may be called the Epidemic Diseases Act, 1897.

(2) It extends to the whole of British India (inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti); and

(3) It shall come into force at once.

2. (1) When at any time the Governor General in Council is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the Governor General in Council, if he

Power to take special measures and prescribe regulations as to dangerous epidemic disease.

thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take or require or empower any person to take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as he shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

(2) In Particular and without prejudice to the generality of the foregoing provisions, the Governor General in Council may take measures and prescribe regulations for—

- (a) the inspection of any ship or vessel leaving, or arriving at, any port in British India and such detention thereof, or of any person intending to sail therein or arriving thereby as may be necessary; and
- (b) the inspection of persons travelling by railway or otherwise and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

(3) The Governor General in Council may, by general or special order, direct that all or any of the powers

conferred by this Act may also be exercised by any Local Government with respect to the territories administered by it.

3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

4. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

ACT XI OF 1879.

AS AMENDED BY ACT XV OF 1885.

Passed by the Governor-General of India in Council.

(Received the assent of the Governor-General on the 21st July 1879.)

The Local Authorities Loan Act, 1879.

WHEREAS it is expedient to re-enact the Local Public Works Loan Act, 1871, with the amendments hereinafter appearing; It is thereby enacted as follows:—

1. The Act may be called 'The Local Authorities Loan Act, 1879.'

It extends to the whole of British India, and shall come into force upon the passing thereof.

2. The Local Public Works Loan Act, 1871, is hereby repealed. But all applications, declarations, authorizations, attachments, loans and rules made under the said Act shall be deemed to have been made under this Act.

3. In this Act, "local authorities," means any body corporate, municipal committee, or other persons legally entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax upon any persons within any local area; and

"Funds," used with reference to any local authority, includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.

4. Any local authority desiring to obtain a loan, on the security of its funds or any portion thereof, for carrying out of any works which it is legally authorised to carry out may, in manner provided by the rules made by the Governor General in Council under the power hereinafter conferred, apply to the Local Government for such loan.

5. The Governor General in Council may, from time to time, make rules consistent with this Act as to—

Power to Governor General in Council to make rules.

- (1). The nature of the funds on the security of which loans may be made,
- (2). The works for which loans may be made;
- (3). The manner of making applications for loans,
- (4). The enquiries to be made in relation to such loans, and the manner of conducting such enquiries,
- (5). The cases and the forms in which particulars of applications and proceedings, and orders thereon shall be published,

- (6). The cases in which the Local Government may make loans without previous sanction of the Governor-General in Council, and the cases in which such previous sanction must be obtained ;
- (7). The manner of recording and enforcing the conditions on which such loans are to be made ;
- (8). The manner and time of making loans ;
- (9). The inspection of any works carried out by means of loans ;
- (10). The instalments by which loans shall be repaid, the interest to be charged on loans and the manner and time of repaying loans, and of paying the interest thereon ;
- (11). The sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan ;
- (12). The attachment of such securities, and the manner of disposing of or collecting them.
- (13). The accounts to be kept in respect of loans, and as to all other matters incidental to carrying this Act into effect ;

All such rules shall be published in the *Gazette of India*.

6. If any rule made under such rules, or any interest or costs due in respect thereof, is or are not re-paid according to the conditions of the loan, the Local Government may attach the funds on the security of which the loan was made. After such attachment, no person except an officer appointed in this behalf by the Local Government shall in any way deal with the attached funds ; but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and all interest and costs due in respect thereof, and of all expenses caused by the attachment and subsequent proceedings :

B remedy by attach-
ment if loan not re-paid.

Provided that no such attachments shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law, but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of a liability incurred under this Act.

7. The local Government, with the previous sanction of the Governor-General in Council, may authorize any local authority which might, under the provisions hereinbefore contained, have borrowed money for any work upon the security of its funds, to borrow money from any other person for such work upon such security; and if any such loan or interest thereon is not duly paid, the Local Government shall upon the application of the lender, attach such funds for his benefit in manner provided by section six

The Governor-General in Council may, in respect of loans to be taken under this section exercise the power conferred by section five, so far as the same may be applicable to the case of such loans.

8. Except as provided by this Act and the rules made hereunder, no local authority shall for any purpose borrow money upon or otherwise charge its funds; and any contract otherwise made for that purpose after the passing of this Act shall be void:

Provided that nothing herein contained shall be deemed—

- (a) To preclude the Municipality of Calcutta, Madras, or Bombay, or the Trustees of the Port of Bombay, or the Commissioners for making improvements in the Port of

Calcutta, or any like body hereafter created for the Port of Madras, from exercising the borrowing powers conferred on them by any special enactment now or hereafter in force; or

- (b) to preclude any other local authority from exercising the borrowing power (if any) conferred on it by any such enactment with a view to raising money for any purpose other than the carrying out of works; or
- (c) to affect the power conferred on any local authority by any such enactment to charge its funds by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.

9. The Secretary of State in Council shall be entitled to the remedy mentioned in section six for the recovery of any money lent by him to any local authority before the fifth day of September 1871, and the interest due on such money; and the Governor General in Council or the Local Government may declare that any person, who, before the said fifth day of September 1871, has lent money to any local authority shall be entitled to the said remedy for the recovery of such money or of the interest due thereon.

Application of Act to loans existing previous to the fifth September 1871.

THE MUNICIPAL TAXATION ACT, 1881.

ACT NO. XI OF 1881.

(Received the assent of the Governor-General on the 25th February 1881.)

An Act to give power to prohibit the levy of Municipal taxes in certain cases.

WHEREAS it is expedient to empower the Governor-General in Council to prohibit, in certain cases, the levy of Municipal taxes payable by persons in the military service or by

Preamble.

the Secretary of State for India in Council; It is hereby enacted as follows:—

1. This Act may be called. "The Municipal Tax-
Short title. ation Act, 1881.
Local extent. It extends to the whole of British
India :

Commencement. and shall come into force at once.

2. In this Act "Municipal Committee" includes a
"Municipal Committee" defined. Municipal Corporation or a body
of Municipal Commissioners con-
stituted by or under the provisions of any enactment
for the time being in force.

3. Notwithstanding anything contained in any
Power to prohibit levy of tax. enactment for the time being in
force, the Governor-General in Coun-
cil may, by an order in writing, prohibit the levy by a
Municipal Committee of any specified tax—

(a) payable by any person subject to the Army Discipline and
Regulation Act, 1879, or the Indian Articles of War, who
is compelled by the exigencies of military duty to reside
within the limits of a Municipality; or

(b) payable by the Secretary of State for India in Council.

The Governor-General in Council may, by a like
order, rescind any such prohibition.

4. So long as any order made under section three,
prohibiting the levy of a tax on any
Secretary of State in Council to pay taxes refer-
red to in section 3, clause (a). person mentioned in clause (a) of
that section, remains in force, the
Secretary of State for India in
Council shall be liable to pay to the Municipal Commit-
tee mentioned in the order the amount which otherwise
would have been payable to such committee by such
person :

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound, by the regulations of the service to which he belongs, to keep.

5. So long as any order made under section three prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sum (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

6. If any question arises whether any duty is military duty within the meaning of this Act, the decision of the Governor-General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a Municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor-General in Council may, from time to time, appoint in this behalf, shall be conclusive.

ACT NO 1 OF 1887.

Received the Lieutenant-Governor's assent on the 15th January, 1887, and the Governor General's assent on the 31st idem.

An Act to provide for a Survey of the Town of Calcutta.

WHEREAS it is expedient to provide for the survey

Preamble and demarcation of land in the
Town of Calcutta; It is hereby
enacted as follows:—

Commencement. 1. This Act shall be called the Calcutta Survey
Act, 1887, and shall come into force
from the date on which it may be
published in the Calcutta Gazette
with the assent of the Governor General.

Local extent. It extends to the Town of Calcutta within the local
limits of the ordinary original civil
jurisdiction of Her Majesty's High
Court of Judicature at Fort William
in Bengal.

2. In this act, unless there be something repugnant
in the subject or context,—

"survey" includes identification of boundaries and
all other operations antecedent to,
or connected with survey;

"Superintendent" means the Superintendent of Sur-
vey under this Act:

"Land" includes anything attached to the earth or
permanently fastened to anything
attached to the earth:

"Premises" means any land described as such in
the registers of the Corporation of
the Town of Calcutta or as a hold-
ing in the registers of the Calcutta Collectorate;

"Owner" "owner" includes—

- (a) the person having permanent interest in any
land or premises;
- (b) an agent of, or manager on behalf of, such
person;

- (c) a trustee of such person ;
- (d) a body corporate in which land is vested by operation of Statute.

3. The Local Government may, whenever it thinks fit, order, by a notification in the Local Government may order survey and appoint Superintendent. Calcutta Gazette, that a survey shall be made of the lands situated in the Town of Calcutta, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey. The Assistant Superintendents of Survey shall exercise such powers as may be delegated to them by the Superintendent.

4. The Superintendent of Survey shall, for the purposes of this Act, have power, Superintendent may enter upon land either by himself or by an Assistant Superintendent of Survey or by other officers employed in the survey, to enter, between the hours of sunrise and sunset, upon any land or premises within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry, or of anything done on such land or premises in pursuance of this Act :

Provided that no such entry shall be made upon lands or premises which may be occupied at the time, unless with the consent of the occupier thereof, or without previously giving the said occupier twenty-four hours' notice of the intention to do so.

5. Before entering on any land or premises for the purposes of survey, the Superintendent Superintendent to give notice before entering on land. may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed, and on the owner of conterminous lands

or premises, calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries, and of affording such information as may be needed for the purposes of this Act, and every person on whom such notice may be served shall be legally bound to attend as required by the notice, and to give any information which may be required so far as he may be able to give it.

6. If after due service of notice under the last preceding section, any person fails to appear without showing sufficient cause to the satisfaction of the Superintendent, the Superintendent, or such officer as may be authorized by him may proceed with the survey, and the person who is so absent shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence.

7. If in the course of survey, it shall come to the notice of the Superintendent that a dispute exists as to any boundaries which should be surveyed, the Superintendent, shall cause an enquiry to be held by an Assistant Superintendent, as hereinafter provided, for the purpose of determining such boundaries.

In case of dispute Assistant Superintendent to hold an enquiry.

8. When any dispute exists as to any boundaries, the Assistant Superintendent who may be authorised by the Superintendent in this behalf shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him

Procedure in case of dispute as to boundaries.

in person, or by an authorised agent on a specified day, and to produce evidence of possession of the land in dispute. The Assistant Superintendent shall, on the specified day, or on such other day to which the hearing may be adjourned, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence take such further evidence as he may think necessary, and, without reference to the merits of the claim of such parties to a right to possess the land in dispute, decide which of the parties is in possession of the said land at the time of the survey

9. For the purposes of the enquiry aforesaid the Assistant Superintendent shall have power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and in the same manner as is provided in the case of a Court under the Code of Civil Procedure

10. After the enquiry has been completed, the Assistant Superintendent shall pass an order in writing defining clearly the subject of dispute, and shall record his decision and reasons for such decision.

11. An appeal shall lie from any order passed by an Assistant Superintendent under the last preceding section to the Board of Revenue, or to such other authority as the Local Government may, by notification in the Calcutta Gazette, appoint in this behalf, if preferred within thirty days from the date of such order.

12. In every case of disputed boundaries the Assistant Superintendent authorized to hold the enquiry may, on the written

Power of Assistant Superintendent to enforce attendance of witnesses.

After enquiry Assistant Superintendent to record his decision.

An appeal shall lie to the Board of Revenue.

Power to refer to arbitration.

application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of the award :

Provided that if it appears to the Assistant Superintendent that the Local Government or the Corporation of Calcutta is interested in any such dispute he shall appoint, in the former case, the Collector or Deputy Collector of Calcutta, and, in the latter case, the Chairman, Vice-Chairman or Surveyor of the Corporation, one of the arbitrators, unless the parties agree to such officer being appointed sole arbitrator.

13. Where an arbitrator nominated by a party, refuses to act or becomes incapable of acting by reason of death or other sufficient cause, the party by whom he was nominated may, by a written application to the Assistant Superintendent, nominate another arbitrator, and, on being satisfied that the application has been made on sufficient grounds, he shall confirm such nomination, and the arbitrator so appointed may thereupon proceed with the enquiry.

On failure of an arbitrator to act, another may be appointed.

14. If the arbitrators differ, the award shall be in accordance with the opinion of the majority; if they are equally divided in opinion, it shall be competent to them or to the Assistant Superintendent, on the written application of the arbitrators or of the parties to the arbitration, to appoint an umpire, and the decision of the umpire, determining the boundaries in dispute shall have the force of an award of the arbitrators.

Appointment of an umpire.

15. The Assistant Superintendent shall, on the application of the arbitrators or umpire, issue the same processes to parties and witnesses as he may issue in enquiries held by himself.

Power to enforce attendance of witnesses in an arbitration.

16. If the arbitrators or the umpire appointed under the preceding sections fail to deliver the award within the time allowed by the Assistant Superintendent, he may make an order superseding the arbitration, and in such case he shall proceed with the enquiry.

On failure to make an award, Assistant Superintendent may supersede the arbitration.

17. The award shall be made in writing, and shall be signed by the persons making it, and shall be filed in the office of the Superintendent with any evidence which may have been taken by the arbitrator or the umpire. The Superintendent shall lay down the boundaries in accordance with the award.

The award.

18. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient.

Superintendent may erect boundary-marks.

19. When any temporary boundary-mark has been erected under the last preceding section, the Superintendent may cause a notice in writing under his hand to be served on the owner or person in occupation of the land or premises whereon, or adjoining which, such boundary-mark is situate, requiring him to maintain and keep in repair such boundary-mark till the survey has been completed.

Maintenance of temporary boundary-marks.

20. After the survey of any part of the Town has been completed, the Superintendent shall deposit all maps, field-books, proceedings, awards and all other documents connected with the survey of such part in the municipal office of the Corporation of Calcutta.

All documents connected with the survey to be sent to the municipal office.

Any person interested in the survey may, at any time within two months from the date of such deposit, which date shall be notified in the Calcutta Gazette, inspect such documents free of charge.

And, if during such period any objection to the survey be lodged with the Superintendent, such objection shall be decided by the Superintendent or by such officer as the Local Government may appoint in this behalf.

21. After all objections lodged under the last preceding section have been decided, the Local Government shall, if it approves the survey, signify such approval by notification in the Calcutta Gazette.

Approval of the survey by the Local Government to be notified.

22. No suit shall lie to set aside any demarcation of boundaries made under the provisions of this Act unless brought within one year from the date of the notification mentioned in the last preceding section.

No suit shall lie unless brought within one year.

23. The Local Government may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act, and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act.

Local Government may make rules under the Act.

How notices may be served. 24. Every notice in and by this Act required to be served on any person may be served—

(a) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides or holds his office, or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family and by fixing a copy on some conspicuous part of the land or premises to which it relates; or

(b) by sending a registered cover through the post office containing such notice directed to the said person at the place where he resides:

Provided that after the publication of the notification referred to in section 21, no survey made under this Act shall be vitiated for any defect in the service of notice.

25. Whoever fails to comply with a requisition contained in any notice duly served under section 5 or section 8 of this Act shall be liable to a fine not exceeding one hundred rupees.

Penalty for failure to comply with requisition in notice.

26. No proceedings under this Act shall be affected by reason of any informality, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall be affected by reason of the omission to serve any notice on an owner whose name is not registered as owner in the Calcutta Collectorate or in the registers of the Corporation of the Town of Calcutta,

Proceedings not to be affected by informality.

27. The Local Government may extend the whole or any of the provisions of this Act to the whole or any part of the Suburbs of Calcutta which may hereafter be amalgamated for municipal purposes with the Town of Calcutta.

Power of Local Government to extend this Act to the Suburbs.

PART OF

ACT No. III OF 1883.

Received the Lieutenant-Governor's assent on the 26th March, 1883, and the Governor-General's assent on the 25th April, 1883.

An Act to authorize the making and to regulate the working of Tramways in Bengal.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways within the territories subject to the Government of the Lieutenant-Governor of Bengal; It is enacted as follows:—

Preamble.

1. This Act may be cited for all purposes as the Bengal Tramways Act, 1883. It shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor-General.

Short title and commencement of Act.

2. For the purposes of this Act the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them:—

Interpretation.

Local authority. the term "Local authority" shall mean—

- (1) bodies of persons for the time being appointed or elected to conduct the affairs of any municipi-

Ben. III of 1884. pality under the Bengal Municipal Act, 1884, or other law for the time being in force for the purpose of regulating municipalities in Bengal ;

- (2) any Board, Committee, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road :

the term " area " in relation to a local authority shall mean the area within the jurisdiction of such local authority :

the term " municipality " shall mean any place in which the Bengal Municipal Act, 1884, or any other law for the time

Ben. III of 1884. being in respect of Bengal municipalities, is in force.

the term " road " shall mean any carriage way, being a public thoroughfare, and the carriage way of any bridge forming part or leading to the same :

the term " tramway " shall mean a tramway constructed under this Act.

PART I.

ORDERS BY THE LOCAL GOVERNMENT AUTHORIZING THE CONSTRUCTION OF TRAMWAYS.

3. An order made by the Local Government authorizing the construction of any tramways in any municipality or area may be obtained by—

By whom orders authorizing the construction of tramways may be obtained.

- 1st*, the local authority of such municipality or area ;
and, any person, persons, corporation or company with the consent of such local authority.

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters."

Where the local authority consists of a body of persons, Board or Committee, no application shall be made to the Local Government for the purpose of authorizing the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area.

When applications for authority to construct tramways may be made.

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given, and such notice shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution.

4. At the time of making an application for such order the promoters shall also forward to the Local Government—

Documents to be forwarded with application.

1st, a memorial signed by the promoters descriptive of the undertaking;

2nd, a copy of the proceedings and resolution of the special meeting held under the provisions of section 3 ;

3rd, a copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority ;

4th, an estimate of the proposed works, signed by the persons making the same ;

5th, all necessary maps, plans, sections and drawings of the proposed work.

5. The Local Government shall consider the application, and may, if it think fit, direct an enquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint.

Where it appears to the Local Government expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the Local Government may settle and make an order accordingly, and such order shall be published in the Calcutta Gazette.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions, fix such maximum rates of fare and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government according to the nature of the ap-

Local Government to determine on application and objection.

Local Government may make and publish order.

Form and contents of order.

plication and the facts and circumstances of each case thinks fit.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority, and one of the provisions of such agreement shall settle the manner in which the value of the tramway shall be calculated in the event of its purchase by the local authority, under sections 39, 40 or 41.

6. The Local Government on the application of any promoters empowered by an order to construct a tramway may from time to time revoke, amend or vary such order by a further order:

Power to revoke, amend
or vary order.

Provided that, whenever the promoters are not the local authority, the Local Government shall, before passing such order, called upon the local authority to state any objection it may have to such application.

7. Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act which relate to the construction of tramways shall extend and apply to the whole and the separate parts of such tramway as last aforesaid; and the form of the order may be adapted according to the circumstances of the case.

Power to authorize
joint work.

8. Where it is proposed to lay down a tramway in

Local Government may in certain cases dispense with consent of local authority.

two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto, the Local Government may nevertheless make an order authorizing the construction of such tramway, if it is satisfied after enquiry that two-thirds of the length of such tramway is proposed to be laid in an area or areas the local authority of which area or areas does consent thereto.

9. If the promoters empowered by any order under this Act to make a tramway do not, within the period prescribed in such order, complete the tramway and open it for public traffic; or,

Promoter's powers to cease at expiration of prescribed time.

if the works are not substantially commenced within the latest date prescribed in such order for their commencement; or,

if the works, having been commenced, are suspended without a reason sufficient, in the opinion of the Local Government, to warrant such suspension;

the powers given by the order to the promoters for constructing such tramway, executing such works or otherwise in relation thereto, shall cease to be exercised to the extent and in the manner specified in such order.

A notice inserted by the Local Government in the Calcutta Gazette to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

10. When the local authority of any area are the promoters of any tramway, the expenses incurred by them in constructing and working such tramway under the provisions of this Act, including the expenses preparatory thereto, may be paid out of the funds under the control of such local authority.

Payment of expenses
when local authority are
promoters.

11. When the local authority are not the promoters, they may fix and demand from the promoters such rent for the use of roads as may be agreed upon.

Rent for use of road
when local authority are
not promoters

12. Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act may be applied by them to the purposes for which other funds under the control of such local authority may be applied.

Application of rent or
tolls.

13. The Local Government may from time to time make, and when made may revise, modify, annul, add to or confirm, any rules it may be expedient to make for the purpose of carrying this Act into execution.

Power to make rules.
