

A COLLECTION

OF

THE REGULATIONS

MADE UNDER

THE STATUTE 33 VICT., CAP. 3, SECTION 1,

DURING THE YEARS

1902-1907.

MIN. OF. LAW
CORR. SEC

CALCUTTA

PRINTED BY THE GOVERNMENT OF INDIA,
GOVERNMENT OF GOVERNMENT PRINTING, INDIA.

1908

[Price two annas.]

CALCUTTA:
GOVERNMENT OF INDIA, GENERAL PRINTING OFFICE,
8, HASTINGS STREET.

TITLES OF REGULATIONS

MADE UNDER

THE STATUTE 33 VICT., CAP. 3, SECTION 1,

DURING THE YEARS 1902 TO 1907.

Year.	No.	Title.
1902	I	A Regulation further to amend the Kachin Hill-tribes Regulation, 1895.
"	II	A Regulation further to amend the Aden Pilgrims and Paupers Regulation, 1887 (XI of 1887).
"	III	A Regulation to restrict the sea-traffic in arms and ammunition between Aden and places in the Gulf of Aden.
"	IV	A Regulation to provide for the better realisation of the dues known as Tirni, Bua and Hâk Talukdari in the Teri Tahsil of the District of Kohat in the North-West Frontier Province.
1903	I	A Regulation to assimilate the laws and regulations in force in the village of Naranji to those in force in the rest of the North-West Frontier Province.
"	II	A Regulation to amend the Peshawar Canals Regulation, 1898.
"	III	A Regulation to further amend the Upper Burma Land and Revenue Regulation, 1889.
"	IV	A Regulation to repeal the Diwan's Estate Regulation, 1887.
"	V	A Regulation further to amend the Upper Burma Civil Courts Regulation, 1896.
1904	I	A Regulation to provide for certain modifications in the Punjab Alienation of Land Act, 1900, in its application to the North-West Frontier Province.

LUTTA:
CENTRAL PRINTING OFFICE,
NGS STREET.

Year.	No.	Title.
1904	II	A Regulation to provide for the apportionment and recovery of expenses incurred by the Government in certain settlement proceedings taken under section 9 of the Sonthal Parganas Settlement Regulation.
"	III	A Regulation further to amend the law relating to the Tenancy of Land in the Hazara District.
"	IV	A Regulation to amend the Angul District Regulation, 1894.
"	V	A Regulation to make better provision for the Law relating to the Courts of Wards in the North-West Frontier Province.
1905	I	A Regulation to amend the Ajmer Municipalities Regulation, 1886.
"	II	A Regulation further to amend the Assam Land and Revenue Regulation, 1886.
"	III	A Regulation further to amend the Upper Burma Civil Courts Regulation, 1896.
"	IV	A Regulation to amend the Coorg Courts Regulation, 1901.
1906	I	A Regulation further to amend the North-West Frontier Province Law and Justice Regulation, 1901.
"	II	A Regulation to make better provision for the Law relating to pre-emption in the North-West Frontier Province.
1907	I	A Regulation for conferring power to prevent persons from passing across the frontier out of certain districts and from entering or residing or travelling in, disturbed parts of Upper Burma or the Hill Districts of Arakan.
"	II	A Regulation to make better provision for the organization and administration of Municipalities in Coorg.
"	III	A Regulation to amend the Santhal Parganas Rent Regulation, 1886.
"	IV	A Regulation further to amend the Coorg Land and Revenue Regulation, 1899.

Title.	Year.	No.	Title.
for the apportionment and recovery by the Government in certain taken under section 9 of the ment Regulation.	1907	V	A Regulation further to amend the Ajmer Land and Revenue Regulation, 1877.
amend the law relating to the Hazara District.		VI	A Regulation further to amend the Upper Burma Land and Revenue Regulation, 1889.
the Angul District Regulation,		VII	A Regulation further to amend the Ajmer Courts Regu- lation, 1877.

ter provision for the Law relating
rds in the North-West Frontier

he Ajmer Municipalities Regu-

o amend the Assam Land and
86.

amend the Upper Burma Civil

the Coorg Courts Regulation,

mend the North-West Frontier
e Regulation, 1901.

er provision for the Law relating
rth-West Frontier Province.

power to prevent persons from
her out of certain districts and
or travelling in, disturbed parts
hill Districts of Arakan.

er provision for the organization
micipalities in Coorg.

Santhal Parganas Rent Regu-

amend the Coorg Land and
9.

REGULATION No. I OF 1902.

A Regulation further to amend the Kachin Hill-tribes Regulation, 1895.

[Received the assent of the Governor General on the 29th January, 1902; published in the Gazette of India on the 1st February, 1902; and in the Burma Gazette on the 15th idem.]

1895. WHEREAS it is expedient further to amend the Kachin Hill-tribes Regulation, 1895; It is hereby enacted as follows:—

1. This Regulation may be called the Kachin Hill-tribes (Amendment) Regulation, 1902. Short title.

1895. 2. For section 31 of the Kachin Hill-tribes Regulation, 1895, the following section shall be substituted, namely:— Substitution of new section for section 31, Regulation I, 1895.

“31. (1) No person shall—

(a) possess opium, knowing or having reason to believe that it is intended to be taken out of the hill-tracts or to be transported from one hill-tract to another non-conterminous hill-tract, or

(b) take opium out of the hill-tracts or transport opium from one hill-tract to another non-conterminous hill-tract,

except under, and in accordance with, the terms and conditions of a license granted by the Deputy Commissioner and on payment of duty at such rate or rates as the Local Government may fix in this behalf.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished on conviction by a Magistrate with imprisonment which may extend to one year, or with fine, or with both.

(3) In every prosecution under sub-section (1) it shall be presumed that all opium exceeding half a

viss

[Price one anna and six pies.]

viss for which the accused person is, in the opinion of the Court, unable to account satisfactorily, is opium in respect of which he has committed an offence thereunder.

(4) The opium in respect of which an offence under sub-section (1) has been committed, and

(a) the vessels, packages and coverings in which the opium is found,

(b) any other contents of such vessels, packages and coverings, and

(c) the animals and conveyances used in carrying the opium,

shall be liable to confiscation.

(5) Where any person charged with an offence rendering anything liable to confiscation under sub-section (4) is convicted, or where any such person is acquitted but the Court decides that anything is liable to confiscation under sub-section (4), the Court may order such thing to be confiscated or may give the owner an option to pay, in lieu of confiscation, such fine as it thinks fit.

(6) Where an offence under this section has been committed but the offender is not known or cannot be found, or where opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Deputy Commissioner or by an officer authorized by the Local Government in this behalf, and the Deputy Commissioner or such officer as aforesaid may order the opium, the vessels, packages and coverings in which the opium is found, any other contents of such vessels, packages and coverings, and the animals and conveyances used in carrying the opium, to be confiscated:

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto and the evidence (if any) produced in support of their claims.

(7) The

sed person is, in the opinion of
account satisfactorily, is opium
has committed an offence there-

respect of which an offence
has been committed, and

ages and coverings in which
found,

its of such vessels, packages
, and

conveyances used in carrying

tion.

on charged with an offence
e to confiscation under sub-
r where any such person is
ecides that anything is liable
section (4), the Court may
onfiscated or may give the
a lieu of confiscation, such

nder this section has been
r is not known or cannot be
t in the possession of any
rily accounted for, the case
etermined by the Deputy
officer authorized by the
behalf, and the Deputy
er as aforesaid may order
ckages and coverings in
ny other contents of such
ngs, and the animals and
ng the opium, to be con-

der shall be made until
from the date of seizing
fiscated or without hear-
iming any right thereto
produced in support of

(7) The

(7) The Local Government, with the previous
sanction of the Governor General in Council, may, by
notification in the local official Gazette, make rules to
regulate—

(a) the disposal of things confiscated under this
section, and

(b) the rewards to be paid to officers and in-
formers out of the proceeds of fines and
confiscations under this section."

REGULATION No. II OF 1902.

A Regulation further to amend the Aden Pilgrims and Paupers Regulation, 1887 (XI of 1887).

[Received the assent of the Governor General on the 26th June, 1902; published in the Gazette of India on the 28th idem; and in the Bombay Government Gazette on the 3rd July, 1902.]

XI of 1887. WHEREAS it is expedient further to amend the Aden Pilgrims and Paupers Regulation, 1887; It is hereby enacted as follows:—

XI of 1887. 1. In sub-section (1) of section 7 of the Aden Pilgrims and Paupers Regulation, 1887, the words "being natives of Asia and Africa" are hereby repealed. Amendment of Regulation XI, 1887, section 7.

[Price one anna.]

Government of India Central Printing Office, —No. 32 L. D.—12-7-1902—500.—P. M. M.

38
700
Rep. Reg 3.7.1910.

REGULATION No. III OF 1902.

A Regulation to restrict the sea-traffic in arms and ammunition between Aden and places in the Gulf of Aden.

[Received the assent of the Governor General on the 3rd October, 1902; published in the Gazette of India on the 11th idem; and in the Bombay Government Gazette on the 16th idem.]

WHEREAS it is expedient to restrict the sea-traffic in arms and ammunition between Aden and places in the Gulf of Aden; It is hereby enacted as follows:—

1. This Regulation may be called the Aden Sea-traffic in Arms Regulation, 1902. Short title.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(a) “Resident” means the Political Resident at Aden:

(b) “prescribed port” means such port within His Majesty’s Somaliland Protectorate as, subject to the control of the Governor of Bombay in Council, the Resident may, by general or special order, prescribe for the purposes of section 3, sub-section (2), and section 4, clauses (2) and (3), respectively: and

(c) all words and expressions defined in the Indian Arms Act, 1878, and used in this Regulation shall be deemed to have the meanings respectively assigned to them by that Act. Restrictions on port-clearance in certain cases.

3. (1) No vessel shall depart or proceed from Aden on a voyage to any place in the Gulf of Aden without obtaining a port-clearance from such officer as the Resident may appoint in this behalf.

(2) In

[Price one anna and nine pies.]

(2) In the case of a vessel departing or proceeding from Aden on a voyage to any place on the African Coast of the Gulf of Aden within His Majesty's Somaliland Protectorate to the east of Berbera, the officer whose duty it is to grant a port-clearance shall not grant the clearance unless and until the master, owner or agent of the vessel and two sureties resident in Aden have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of two thousand rupees, or such smaller sum as, subject to the control of the Governor of Bombay in Council, the Resident may, by general or special order, appoint in this behalf, conditioned that the vessel, after leaving Aden, shall first touch at the prescribed port within such time as may be stipulated in the bond, and shall not leave that port until she obtains from the proper authority permission in writing so to leave.

(3) In the case of any vessel departing or proceeding from Aden on a voyage to any place on the Arabian Coast of the Gulf of Aden, the officer whose duty it is to grant a port-clearance shall not grant the clearance unless and until the master, owner or agent of the vessel and two sureties resident in Aden have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of two thousand rupees, or such smaller sum as, subject to the control of the Governor of Bombay in Council, the Resident may, by general or special order, appoint in this behalf, conditioned that the vessel, after leaving Aden, shall proceed direct to the place declared to such officer as her destination and shall not during the period of the bond be employed in carrying any arms, ammunition, military stores or explosives between any places on the Arabian and African Coasts of the Gulf of Aden.

(4) In lieu of the surety-bond required by subsection (2) or (3), the master, owner or agent of the vessel may, with the permission of the Resident, execute a bond without sureties similarly conditioned and furnish other sufficient security for the performance of the conditions of the bond.

vessel departing or proceeding on a voyage to any place on the Gulf of Aden within His Majesty's Protectorate to the east of Aden, it is the duty of the officer whose duty it is to grant a port-clearance unless and until the vessel and its agent have executed in favour of India in Council a joint bond for the sum of two thousand rupees, subject to the control of the Council, the Resident may, after leaving Aden, shall leave port within such time as he may think fit, and shall not leave from the proper authority leave.

vessel departing or proceeding on a voyage to any place on the Gulf of Aden, the officer whose duty it is to grant the clearance shall not grant the clearance unless and until the master, owner or agent of the vessel has executed in favour of India in Council a joint bond for the sum of two thousand rupees, subject to the control of the Council, the Resident may, after leaving Aden, shall leave port within such time as he may think fit, and shall not leave from the proper authority leave.

bond required by sub-section 4, The

4, The

4. The master and the owner—

(1) of any vessel departing or proceeding from Aden on a voyage to any place in the Gulf of Aden, who has not obtained a port-clearance from the officer whose duty it is to grant such port-clearance, or

(2) of any vessel arriving in Aden from any place on the African Coast of the Gulf of Aden within His Majesty's Somaliland Protectorate to the east of Berbera, who does not produce in Aden a written permission from the proper authority at the prescribed port to depart or proceed from that port to Aden direct, or

(3) of any vessel arriving in Aden which, after leaving the prescribed port, has touched at any other place otherwise than by reason of the perils of the sea or other unavoidable accident, or

(4) of any vessel arriving in Aden from any place on the Arabian Coast of the Gulf of Aden, which, before leaving the said place for Aden, has,—

(a) within a period of one year, or

(b) where port-clearance has been granted under section 3, sub-section (1), within the period referred to in clause (a), then since the grant of such port-clearance,

carried arms, ammunition, military stores or explosives between any places on the Arabian and African Coasts of the Gulf of Aden, shall, on conviction before a Magistrate, be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

5. (1) Where the owner or master of a vessel is charged with any offence punishable under section 4, the Resident may, by order in writing, direct such vessel to be detained; and, where such owner or master is sentenced to pay a fine for any such offence and the fine is not paid at the time and in the manner prescribed by the order of payment, the Court may, in addition to any other means prescribed by law for enforcing payment, direct the amount remaining

Detention, realization and confiscation.

unpaid

unpaid to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as may be necessary.

(2) Where the owner or master is convicted of any offence punishable under sub-section (4) of section 4, the Resident may further, by order in writing, direct that the vessel be confiscated.

Searching-
posts.

6. The Resident, with the previous sanction of the Governor of Bombay in Council, may, on or near such public or private wharves or other landing-places as he may deem expedient, establish searching-posts at which all boxes, bales and packages landed or in transit may be detained and searched for arms, ammunition and military stores by any officer appointed by the Resident in this behalf.

Validation of
acts done
before com-
mencement
of Regula-
tion.

7. All proceedings taken, orders issued, sentences passed, penalties imposed, detentions enforced, sums levied, distresses or confiscations made, sales held and other acts done before the commencement of this Regulation are, in so far as the same might have been taken, issued, passed, imposed, enforced, levied, made, held or done if this Regulation had been in force, hereby confirmed and made valid; and all officers of the Government and all persons acting under their authority are hereby indemnified and discharged from liability in respect of such proceedings, orders, sentences, penalties, detentions, sums, distresses, confiscations, sales and acts to the extent aforesaid.

Exemption.

8. Subject to the control of the Governor of Bombay in Council, the Resident may declare that all or any of the provisions of this Regulation shall not apply in the case of any vessel or class of vessels, and may from time to time alter or vary any such declaration.

n Arms (Aden). [REG. III, 1902.]

by distress and sale of such vessel, arel and furniture thereof, or so y be necessary.

wner or master is convicted of any under sub-section (4) of section 4, urther, by order in writing, direct nfiscated.

with the previous sanction of the in Council, may, on or near such arves or other landing-places as dient, establish searching-posts , bales and packages landed etained and searched for arms, litary stores by any officer ap- nt in this behalf.

taken, orders issued, sentences sed, detentions enforced, sums confiscations made, sales one before the commencement e, in so far as the same might d, passed, imposed, enforced, done if this Regulation had confirmed and made valid; Government and all persons ority are hereby indemnified ability in respect of such pro- es, penalties, detentions, sums, sales and acts to the extent

trol of the Governor of Bom- lent may declare that all or this Regulation shall not vessel or class of vessels, and e alter or vary any such

Spent
Not in force in India

REGULATION NO. IV OF 1902.

A Regulation to provide for the better realisation of the dues known as Tirni, Bua and Hâk Talukdari in the Teri Tahsil of the District of Kohat in the North-West Frontier Province.

[Received the assent of the Governor General on the 18th November, 1902; published in the Gazette of India on the 29th idem.]

WHEREAS from time immemorial the Khan of Teri for the time being has levied the dues known as tirni and bua in the estates of the Teri Tahsil of the District of Kohat in the North-West Frontier Province, which are now held by the said Khan on istamrari tenure;

and whereas the right to levy the said dues has from time to time been recognised and sanctioned by the Government and enforced by the Courts;

and whereas the right of the said Khan to levy the said dues has been disputed, and the realisation of the same by separate suit is attended with difficulty and delay;

and whereas it is expedient to declare the right of the said Khan to levy the said dues and to provide for the effective and speedy realisation of the said dues, and also of the hâk talukdari payable to the said Khan;

It is hereby enacted as follows:—

1. (1) This Regulation may be called the Teri Dues Regulation, 1902; and Short title and extent.

(2) It extends to the Teri Tahsil of the District of Kohat in the North-West Frontier Province.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(a) the expressions "estate," "landowner," "land-revenue" and "Revenue-officer" have

[Price one anna and nine pies.]

have the meanings respectively assigned to them in the Punjab Land-revenue Act, 1887;

(b) "tirni" means the dues payable to the Khan of Teri for the time being for the grazing of sheep, goats and camels by the owners of the same in the estates held by the said Khan on istamrari tenure;

(c) "bua" means the house-tax payable to the said Khan by non-agriculturists resident in the estates held by the said Khan on istamrari tenure; and

(d) "hâk talukdari" means the dues which the said Khan is entitled to receive in respect of land of which he is the superior landowner from the inferior landowners thereof, and which have been commuted, under section 146 of the Punjab Land-revenue Act, 1887, into a fixed percentage of the land-revenue.

XV
1887.XVII
1887.

Power to levy
tirni and
bua.

3. Subject to the provisions of section 4, the said Khan may levy tirni and bua, at rates not exceeding those specified in the schedule, in all the estates held by him on istamrari tenure.

Rates of tirni
and bua.

4. The Local Government may, by notification in the local official Gazette,—

(a) fix for all or any of the said estates the rates, not exceeding those specified as aforesaid, at which tirni and bua shall be leviable by the said Khan therein respectively, and

(b) direct that the levy of the said dues shall be subject to such exceptions (if any) as it may think fit.

Time of pay-
ment.

5. Tirni, bua and hâk talukdari shall be payable, harvest by harvest, along with the instalments of land-revenue due to the said Khan.

Realisation
in case of
default.

6. In case of default under this Regulation the amount of tirni, bua or hâk talukdari payable to the said Khan may be realised, by order of a Revenue-officer, as if it were an arrear of land-revenue.

7. With

XVI
1887

meanings respectively assigned in the Punjab Land-revenue

ans the dues payable to the for the time being for the sheep, goats and camels by of the same in the estates held Khan on istamrari tenure;

the house-tax payable to the y non-agriculturists resident in held by the said Khan on nure; and

i" means the dues which the s entitled to receive in respect hich he is the superior land- he inferior landowners thereof, have been commuted, under of the Punjab Land-revenue to a fixed percentage of the

XVII
1887

ovisions of section 4, the said d bua, at rates not exceeding edule, in all the estates held ure.

ment may, by notification in

of the said estates the rates, those specified as aforesaid, and bua shall be leviable by therein respectively, and y of the said dues shall be h exceptions (if any) as it

talukdari shall be payable, ig with the instalments of aid Khan.

nder this Regulation the k talukdari payable to the l, by order of a Revenue- ear of land-revenue.

7. With

1902.]

7. With the previous sanction of the Local Gov- Power of Khan to grant exemptions from, and assignments of, dues.
ernment the said Khan may, by order in writing signed or sealed by him,—

- (a) exempt any persons from payment of tirni or bua, or both of those dues,
- (b) assign to any person his right to collect either or both of these dues, and
- (c) cancel any such exemption or assignment: Provided that—

(i) no such exemption or assignment shall in any case continue in force beyond the life of the said Khan, and

(ii) no such assignment shall empower the assignee to realize the dues assigned in the manner provided by section 6.

8. (1) The Local Government may, by notifica- Rules.
tion in the local official Gazette, make rules to carry out the purposes and objects of this Regulation.

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

- (a) define the villages and classes of persons from which tirni and bua shall be leviable;
- (b) provide for the periodical enumeration of the animals in respect of which tirni is leviable; and
- (c) regulate the assessment of all or any of the dues payable under this Regulation.

9. No prosecution shall lie against any Revenue- Protection of Revenue-officers and bar of suits.
officer, and no suit shall be brought in any Civil Court, in respect of anything done or in good faith purporting to be done under this Regulation.

THE SCHEDULE.

Teri Dues.

[REG. IV, 1902.]

THE SCHEDULE.

LIST OF MAXIMUM RATES.

(See section 3.)

Rates of tirni.		Rates of bua.
Sheep and goats other than lambs or kids under six months of age.	Rs. 5 per 100 head, or Re. 1 per 20 head per harvest.	Rs. 2 per house per harvest, from all non-agriculturists excepting—
Camels over two years of age.	Rs. 1-8 per head per annum.	(a) Mullas and Brahmans who perform religious duties in mosques and temples, and
Camels over one year of age.	Annas 12 per annum.	(b) ordinary labourers who carry on no regular trade or business and depend on daily labour for their living.

Teri Dues.

[REG. IV, 1902.]

THE SCHEDULE.

ST OF MAXIMUM RATES.

(See section 3.)

rai.	Rates of bua.
per 100 head, or per 20 head per st.	Rs. 2 per house per harvest, from all non- agriculturists except-
8 per head per per annum.	(a) Mullas and Brahmins who perform religious duties in mosques and tem- ples, and (b) ordinary labourers who carry on no regular trade or business and depend on daily labour for their living.

Not in force in India

REGULATION NO. I OF 1903.

A Regulation to assimilate the laws and regulations in force in the village of Naranji to those in force in the rest of the North-West Frontier Province.

[Received the assent of the Governor General on the 4th January, 1903; published in the Gazette of India on the 10th idem.]

WHEREAS the Governor General in Council, with the sanction and approbation of the Secretary of State for India, has, by Proclamation under section 3 of the Government of India Act, 1854, taken under his immediate authority and management the village of Naranji, heretofore administered by the Lieutenant-Governor of the Punjab, and has provided for the administration thereof as part of the Kulachi Tahsil of the Dera Ismail Khan District of the North-West Frontier Province:

And whereas it is provided by the said section of the said Statute that, when any portion of territory is so dealt with as aforesaid, no law or regulation in force at any such time as regards any such portion of territory shall be altered or repealed except by law or regulation made by the Governor General in Council:

And whereas it is expedient to assimilate the laws and regulations in force in the said village of Naranji to those in force in the rest of the North-West Frontier Province:

It is hereby enacted as follows:—

1. (1) This Regulation may be called the Naranji Law and Justice Regulation, 1903; and
- (2) It extends to the village of Naranji.

2. On

[Price one anna three pies.]

Short title
and extent.

[REG. I, 1903.] (*Naranji Law and Justice.*)

Application
to Naranji of
laws and
regulations
in force in
the Kulachi
Tahsil and
of things
done there-
under.

2. On and with effect from the commencement of this Regulation, the North-West Frontier Province Law and Justice Regulation, 1901, and every other law or regulation now in force in the Kulachi Tahsil of the Dera Ismail Khan District, and every appointment, order, scheme, rule, bye-law, notification or form heretofore made or issued under the said Regulation or under any such other law or regulation as aforesaid, shall apply to the village of Naranji as part of the said tahsil.

Ref. Act 12 of 1927

REGULATION No. II OF 1903.

A Regulation to amend the Peshawar Canals Regulation, 1898.

[Received the assent of the Governor General on the 12th June, 1903; and published in the Gazette of India on the 20th idem.]

WHEREAS it is expedient to amend the Peshawar Canals Regulation, 1898; It is hereby enacted as follows:—

1. This Regulation may be called the Peshawar Canals (Amendment) Regulation, 1903. Short title.

2. After section 8 of the Peshawar Canals Regulation, 1898, the following shall be inserted, namely:— Insertion of new section, 8A, in Regulation IV of 1898. Rate for recovery of cost of establishment.

“8A. (1) When a notification has been issued under section 8 in respect of any scheduled canal, the Local Government may, by notification in the Gazette of India, direct that the cost of any establishment which it may be necessary to maintain for the control and management of the canal shall be recovered from the right-holders of the canal, or any class of such right-holders, by means of a rate of such amount as may be specified in the notification.

(2) The rate shall be assessed by the Collector on the basis of the land-revenue assessed or assessable on such lands of the said right-holders or class of right-holders as are irrigated from the canal, and shall be recoverable as an arrear of land-revenue.

(3) The Local Government may direct that the proceeds of the rate shall be credited to the fund formed under section 8, sub-section (2), clause (d).

(4) While a rate under this section is in force in respect of any scheduled canal, neither an occupier's rate nor an owner's rate shall be levied under the Northern India Canal and Drainage Act, 1873, in respect of water supplied from such canal.”

REGULATION No. III OF 1903.

A Regulation to further amend the Upper Burma Land and Revenue Regulation, 1889.

[Received the assent of the Governor General on the 12th June, 1903; published in the Gazette of India on the 20th idem; and in the Burma Gazette on the 11th July, 1903.]

1889. WHEREAS it is expedient to further amend the Upper Burma Land and Revenue Regulation, 1889; It is hereby enacted as follows :—

1. This Regulation may be called the Upper Burma Land and Revenue (Amendment) Regulation, 1903. Short title.

1889. 2. In section 12, sub-section (1), of the Upper Burma Land and Revenue Regulation, 1889, as amended by subsequent enactments, for the words "in cases in which a procedure is not prescribed by this Regulation" the following words shall be substituted, namely :— Amendment of section 12, Regulation III, 1889.

"and may by such rules confer upon any Revenue-officer any power exercised by a Civil Court in the trial of suits."

[Price one anna.]

Spent

• REGULATION No. IV of 1903.

A Regulation to repeal the Diwan's Estate Regulation, 1887.

[Received the assent of the Governor General on the 25th August, 1903; and published in the Gazette of India on the 29th idem.]

II of 1887. WHEREAS it is expedient to repeal the Diwan's Estate Regulation, 1887; It is hereby enacted as follows :—

1. This Regulation may be called the Diwan's Estate (Repealing) Regulation, 1903. Short title.

II of 1887. 2. The Diwan's Estate Regulation, 1887, is hereby repealed. Repeal of Regulation III, 1887.

REGULATION NO. V OF 1903.

A Regulation further to amend the Upper
Burma Civil Courts Regulation, 1896.

*[Received the assent of the Governor General on the 4th
November, 1903; published in the Gazette of India on the
7th idem; and in the Burma Gazette on the 21st idem.]*

I of 1896.

WHEREAS it is expedient further to amend the
Upper Burma Civil Courts Regulation, 1896; It
is hereby enacted as follows :—

1. (1) This Regulation may be called the Upper Burma Civil Courts (Amendment) Regulation, 1903; and

Short title
and com-
mencement.

(2) It shall come into force on such date as the
Local Government may, by notification in the local
official Gazette, appoint.

I of 1896.

2. For section 13 of the Upper Burma Civil Courts
Regulation, 1896, the following shall be substituted,
namely :—

Amendment
of section 13,
Regulation I
of 1896.

XIV of 1882.

“ 13. (1) In addition to the second appeals permis-
sible under section 584 of the Code of Civil Procedure,
a second appeal shall lie to the Court of the Judicial
Commissioner from an appellate decree of a Court
subordinate thereto on any ground which would be a
good ground of appeal if the decree had been passed
in an original suit, whenever the decree of the
appellate Court varies or reverses otherwise than as to
costs the decree of the Court below :

Second
appeals to
the Court of
the Judicial
Commis-
sioner.

IX of 1887.

Provided that no such second appeal shall lie in
the case of a suit of the nature cognizable by a Court
of Small Causes under the Provincial Small Cause
Courts Act, 1887, unless the value of the suit ex-
ceeds five hundred rupees.

(2) The

[Price One Anna and Three Pies.]

Upper Burma Civil Courts. [REG. V, 1903.]

(2) The period of limitation for an appeal to the Court of the Judicial Commissioner under this section shall be ninety days, and in the computation of that period and in all other respects the limitation of the appeal shall be governed by the provisions of the Indian Limitation Act, 1877."

Repeal of
section 14,
Regulation I
of 1896.

Amend-
ment of Act
VII of 1870,
first sched-
ule, article
15, as appli-
cable to
Upper
Burma.

3. Section 14 of the Upper Burma Civil Courts Regulation, 1896, is hereby repealed.

4. From article 15, as inserted by the Upper Burma Civil Courts Regulation, 1896, in the first schedule to the Court-fees Act, 1870, in its application to Upper Burma, the words and figures "or section 14 of the Upper Burma Civil Courts Regulation, 1896," shall be omitted.

XV of 1877

I of 1896.

I of 1896.

VII of 1870.

XIII of
1900.

XVI of

XIII of
1887.

IV of

Dep. Act 1 of 1938

[REG. V, 1903.]

n appeal to the
der this section
utation of that
mitation of the
visions of the

a Civil Courts

XV of 1877.

I of 1896.

by the Upper

6, in the first

I of 1896.

in its applica-

VII of 1870.

and figures "or

Courts Regu-

REGULATION No. I OF 1904.

A Regulation to provide for certain modifica-
tions in the Punjab Alienation of Land
Act, 1900, in its application to the North-
West Frontier Province.

[Received the assent of the Governor General on the 3rd June,
1904; published in the Gazette of India on the 11th idem.]

WHEREAS it is expedient to provide for certain
modifications in the Punjab Alienation of Land
Act, 1900, in so far as it extends to the North-West
Frontier Province; It is hereby enacted as fol-
lows :—

1. The said Act shall, in so far as it extends to the
said province, be modified as follows, namely :—

(i) section 2, clause (1), section 3, sub-section (1),
clause (b), and the proviso to section 3, sub-
section (1), shall be omitted, and

(ii) in section 2, clause (3), after sub-clause (a),
the following sub-clause shall be inserted,
namely :—

“(aa) any rights-of-occupancy acquired
under the Punjab Tenancy Act,
1887, the Hazara Tenancy Re-
gulation, 1887, or the Agror
Valley Regulation, 1891, as the
case may be.”

Modifica-
tions in Act
XIII of
1900, in its
application
to North-
West
Frontier
Province.

XVI of 1887.

XIII of
1887.

IV of 1891.

For upto date Regulation see Bihar Code
(First Edn), p. 569.

REGULATION NO. II OF 1904.

A Regulation to provide for the apportionment and recovery of expenses incurred by the Government in certain settlement proceedings taken under section 9 of the Sonthal Parganas Settlement Regulation.

[Received the assent of the Governor General on the 8th August, 1904; published in the Gazette of India on the 13th idem; and in the Calcutta Gazette on the 24th idem.]

III of 1872.

WHEREAS, under section 9 of the Sonthal Parganas Settlement Regulation, the Lieutenant-Governor of Bengal may declare that a settlement shall be made of the whole or any part of the Sonthal Parganas for the purpose of ascertaining and recording the various interests and rights in the land to be so brought under settlement, but no provision has been made for the recovery of expenses incurred by the Government in respect of such settlement; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Sonthal Parganas Settlement Regulation, 1904; and

Short title and construction.

III of 1872.

(2) It shall be read with, and taken as part of, the Sonthal Parganas Settlement Regulation.

III of 1872.

2. When, under section 9 of the Sonthal Parganas Settlement Regulation, the Lieutenant-Governor declares that a settlement shall be made of the whole or any part of the Sonthal Parganas for the purpose of ascertaining and recording the various interests and rights in the land so to be brought under settlement, he may, save when a settlement of land-revenue is about to be made in respect of such land, order that the whole or any part of the expenses incurred by the Government in connection with such settlement, including

Apportionment of expenses.

[Price one anna and three pies.]

cluding the expenses of and incidental to any surveys that may have been necessary, as also the expenses that may be incurred from time to time in the maintenance of boundary and other survey marks erected for the purposes of such settlement, shall be borne by the owners, occupiers and village headmen of the land so brought under settlement, or by any one or more of them to the exclusion of the others or other of them, in such manner and in such shares or proportions as he may, having regard to all the circumstances of the case, deem just and equitable.

Provision
in case of
devolution
or transfer
of interest in
land settled.

3. Where any such owner, occupier or village headman dies or transfers his interest in the land so brought under settlement, or any part thereof, before payment of the expenses ordered under section 2 to be borne by him, the Deputy Commissioner may recover the same from the representatives of the deceased person or from the transferor, as the case may be, or from the person in possession of the interest of the deceased person or transferor or of any part thereof, or from any of them, without prejudice to any agreement as to how or in what proportion such expenses are to be ultimately borne.

Mode of
recovery.

4. Every sum of money due from any person under the provisions of this Regulation shall be recoverable from him as an arrear of land-revenue.

Regulation
to have re-
trospective
effect.

5. This Regulation shall be deemed to apply also in the case of any settlement under section 9 of the Sonthal Parganas Settlement Regulation, which, III of 1872, though begun, has not been completed before the commencement of this Regulation.

Reg. Act 1 of 1938.

REG. II, 1904.

any surveys
the expenses
in the main-
marks erected
be borne by
dmen of the
any one or
s or other of
or propor-
the circum-
le.

or village
the land so
ereof, before
tion 2 to be
may recover
e deceased
may be, or
erest of the
art thereof,
any agree-
h expenses

any person
all be re-
venue.
apply also
19 of the
n, which, III of 1872.
before the

XVI of
1887.
XIII of
1887.

XVII of
1887.

D.—G. R.

REGULATION No. III OF 1904.

A Regulation further to amend the law relating to the Tenancy of Land in the Hazara District.

[Received the assent of the Governor General on the 7th November, 1904; and published in the Gazette of India on the 12th idem.]

WHEREAS it is expedient further to amend the law relating to the tenancy of land in the Hazara District; It is hereby enacted as follows:—

1. This Regulation may be called the Hazara Tenancy (Amendment) Regulation, 1904. Short title.

2. The Punjab Tenancy Act, 1887, as extended to the Hazara District by the Hazara Tenancy Regulation, 1887, shall be subject to the following further modifications, namely:— Further modifications in the Punjab Tenancy Act, 1887, as extended to the Hazara District.

I.—After section 27 of the said Act the following shall be inserted, namely:—

“ Adjustment of cash-rents.

“ 27A. (1) Where a tenant having a right of occupancy pays his rent entirely by a cash-rate on a recognised measure of area or by a cash-rent in gross on his tenancy, Adjustment of cash-rents.

and the land-revenue of the holding in which the tenancy is situate is altered,

a Revenue-officer having authority under section 56 of the Punjab Land-revenue Act, 1887, to determine the land-revenue payable in respect of the several holdings comprised in the estate in which the tenancy is situate may, by written order,

subject to the provisions of this and other sections of this Act, and either upon the application of such tenant or his landlord, or of his own motion,

enhance or reduce the rent payable by such tenant, to such extent as may seem to such Revenue-officer

to

[Price one anna three pies.]

to be equitable, or confirm such rent without making any alteration therein.

(2) When a Revenue-officer makes any order under sub-section (1), he shall, unless he considers it inexpedient to do so, state in the order—

(a) that the rent determined or confirmed under that sub-section consists of the following items, namely:—

- (i) the land-revenue of the tenancy,
- (ii) the rates and cesses chargeable on the tenancy, and
- (iii) an addition fixed in proportion to the land-revenue of the tenancy; and

(b) the amount of each such item.

(3) The rent determined or confirmed as aforesaid shall be the rent payable in respect of the tenancy until there is again an alteration of the land-revenue thereof or of the rates or cesses chargeable thereon, or until the rent is enhanced by a suit under this Act.

(4) A suit instituted for the enhancement of the rent of any tenant to whom any order made under sub-section (1) applies shall not be entertained unless the land or some part of the land comprised in his tenancy has become irrigated or flooded since the date of such order."

II.—After clause (a) of sub-section (1) of section 76 of the same Act the following shall be inserted, namely:—

"(aa) proceedings under section 27A, for the adjustment of cash-rents."

Reg. No. 3 of 1913

REGULATION NO. IV OF 1904.

A Regulation to amend the Angul District Regulation, 1894.

[Received the assent of the Governor General on the 11th November, 1904; published in the Gazette of India on the 19th idem; and in the Calcutta Gazette on the 23rd idem.]

WHEREAS it is expedient to amend the Angul District Regulation, 1894, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Regulation may be called the Angul District (Amendment) Regulation, 1904. Short title.

2. In section 2 of the Angul District Regulation, 1894, for the words "that portion of Killah Bod" the words "the area" shall be substituted. Amendment of section 2 of Regulation I of 1894.

3. To sub-section (2) of section 3 of the said Regulation the following shall be added, namely:— Addition to section 3.

"Explanation.—Enactments which are not comprised in the Schedule, and which have not been extended as aforesaid, shall not be deemed to be in force in the district of Angul or any part thereof merely on the ground that they are referred to in some enactment which is so in force."

4. For the words "Tahsildar" and "Tahsildars," wherever they occur in the said Regulation, the words "Sub-divisional Officer" and "Sub-divisional Officers" respectively shall be substituted. Substitution of "Sub-divisional Officer" for "Tahsildar".

5. (1) For clause (i) of section 10 of the said Regulation the following shall be substituted, namely:— Amendment of section 10.

"(i) 'Deputy Collector and Deputy Magistrate' shall include any Sub-Deputy Collector who is specially empowered by the Local Government to discharge the functions of a Deputy Collector in the district of Angul; and".

(2) In

[Price Two Annas and Three Pies.]

3. III, 1904.]

hout making

s any order considers it

irmed under he following

tenancy, largeable on

roportion to he tenancy;

of 1894.

of 1894.

as aforesaid the tenancy land-revenue e thereon, or r this Act.

ment of the made under tained unless rised in his ed since the

1) of section be inserted,

7A, for the

(2) In clause (j) of the same section, for the words "any such demand as is mentioned in clause (i)" the following shall be substituted, namely:—

"any demand due to the Government and accruing within the district of Angul".

New section 11.

Courts.

6. For section 11 of the said Regulation the following shall be substituted, namely:—

"11. There shall ordinarily be the following Courts in or for the district of Angul, and they shall be subject to the general superintendence and control of the Local Government:—

- (1) the Court of the Honorary Magistrate or Bench of Magistrates;
- (2) the Court of the Deputy Collector and Deputy Magistrate;
- (3) the Courts of the Sub-divisional Officers of Angul and of the Khondmals;
- (4) the Court of the Deputy Commissioner;
- (5) the Court of the Superintendent; and
- (6) the Court of the Commissioner of Excise."

Repeal of part of section 12.

New section 15.

Powers of Courts.

7. The words "with the previous sanction of the Governor General in Council," in section 12 of the said Regulation, are hereby repealed.

8. For section 15 of the said Regulation the following shall be substituted, namely:—

"15. (1) The Courts mentioned in section 11 shall ordinarily have the powers specified in the following table:—

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
1. The Court of the Honorary Magistrate or Bench of Magistrates.	...	The ordinary powers of a Magistrate of the third class, as defined in the Code of Criminal Procedure, 1898.	...

V of 1898

ne section, for the
tioned in clause (i) "
namely:—

rnment and accru-
f Angul".

Regulation the fol-
ly:—

be the following
gul, and they shall
endence and control

Magistrate or Bench

ollector and Deputy

visional Officers of
dmals;

ommissioner;

ndent; and

oner of Excise."

ous sanction of the
n section 12 of the
ed.

Regulation the fol-
y:—

ned in section 11
pecified in the fol-

rs.	Civil powers.
	4
owers to of s, as Code Pro-	iii

V of 1898.

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
2. The Court of the Deputy Collector and Deputy Magistrate. XIV of 1882. V of 1898.	Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district of Angul.	The ordinary powers of a Magistrate of the second class, as defined in the Code of Criminal Procedure, 1898.	Powers corresponding to those of a Civil Court, as defined in the Code of Civil Procedure, to try original civil suits of which the value does not exceed one hundred rupees.
3. The Courts of the Sub-divisional Officers of Angul and of the Khondmals. XIV of 1882. V of 1898.	Ditto.	The ordinary powers of a Sub-divisional Magistrate of the first class, as defined in the Code of Criminal Procedure, 1898.	Powers corresponding to those of a Civil Court, as defined in the Code of Civil Procedure, to try original civil suits of which the value does not exceed five hundred rupees. Powers of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887; the limit of powers in each case to be decided by the Local Government.
4. The Court of the Deputy Commissioner. XIV of 1882. V of 1898.	Powers corresponding to those of a Collector under any law for the time being in force in the district of Angul.	The ordinary powers of a District Magistrate and of a Sessions Judge, as defined in the Code of Criminal Procedure, 1898.	Powers corresponding to those of a District Judge, as defined in the Code of Civil Procedure, to try original civil suits and appeals without limit as respects the value.
5. The Court of the Superintendent. XIV of 1882. V of 1898.	Powers corresponding to those of a Commissioner and of the Board of Revenue under any law for the time	The ordinary powers of a High Court, as defined in the Code of Criminal Procedure, 1898, except in regard to criminal proceedings against European British	Powers corresponding to those of a High Court, as defined in the Code of Civil Procedure.

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
	being in force in the district of Angul, except in matters relating to excise.	subjects or persons jointly charged with European British subjects.	
6. The Court of the Commissioner of Excise.	Powers in regard to matters relating to the administration of excise.	The powers of a Commissioner under any law for the time being in force in the district of Angul in matters relating to excise.	

(2) The Local Government may, by notification in the Calcutta Gazette,—

- (a) confer upon any Court mentioned in column 1 of the foregoing table any further powers in addition to those specified in respect of such Court in that table, or
- (b) withdraw from any such Court any of the powers so specified, or
- (c) authorize the Board of Revenue to exercise supervision and control over any such Court in all or any matters relating to revenue."

New section!
89.

Sale of im-
moveable
property.

9. For section 39 of the said Regulation the following shall be substituted, namely:—

"39. (1) The Sub-divisional Officer shall not proceed against any immoveable property of a raiyat unless and until he has satisfied himself that the raiyat has no moveable property by the sale of which the sum due from him can be realised.

(2) No immoveable property of a raiyat shall be sold without an order from the Deputy Commissioner.

(3) The Deputy Commissioner may order either the sale of such property or the ejectment of the raiyat from his holding."

10. After

Civil powers.

4

y notification

l in column 1
rther powers
in respect of

t any of the

e to exercise
r any such
relating to

gulation the

shall not pro-
of a raiyat
elf that the
sale of whichiyat shall be
ty Commis-order either
ment of the

10. After

10. After section 41 of the said Regulation the following shall be inserted, namely :—

"41A. Rent due to a sarbarakar who, under the terms of the settlement made with him, has previously paid the amount thereof to the Government, may be realised under this Chapter as if it were a sum due to the Government."

New section 41A.

Recovery of rent due to sarbarakars.

11. In section 42 of the said Regulation, before the word "appoint" the words "after consulting the residents" shall be inserted.

Amendment of section 42.

12. For section 43 of the said Regulation the following shall be substituted, namely :—

New section 43.

"43. (1) The Deputy Commissioner may, from time to time, by written order,—

Constitution of villages, and realisation of chaukidari dues.

(a) declare any local area or group of dwellings to be a village for the purposes of this Chapter, and

(b) direct each house-holder of the village to make a monthly or annual payment, in money or in grain, or in both, of such amount as may be fixed by the Deputy Commissioner after consulting the residents, for the salary and uniform of the village chaukidar.

(2) The said payments shall be made to the headman, sarbarakar or other person appointed by the Deputy Commissioner in this behalf.

(3) It shall be the duty of the person so appointed to see that the said payments are punctually made, and duly to account for the same; and any neglect of such duty shall be punishable with fine which may extend to ten rupees.

(4) All arrears of the said payments may be realised from the said house-holders, under the written order of the Deputy Commissioner in each case, by sale of the defaulter's moveable property.

(5) The Deputy Commissioner may authorise the Sub-divisional Officer to exercise all or any of his powers under this section."

13. (1) In

Amendment
of section 47.

13. (1) In clause *first* of section 47 of the said Regulation, after the words "hurt, riot," the following shall be inserted, namely:—

"administering stupefying or intoxicating drugs with intent to cause hurt, kidnapping, unlawful assembly or violent affray".

(2) In clause *second* of the same section, after the word "offenders" the words "and escaped convicts" shall be inserted, and after the word "specified" the following shall be inserted, namely:—

"also any person against whom a hue and cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within or outside his village".

(3) To clause *third* of the same section the following shall be added, namely:—

"the movements of any other person who may be lurking in such village without any ostensible means of subsistence or who cannot give a satisfactory account of himself, and the permanent or temporary residence in such village of any notorious receiver or vendor of stolen property".

(4) In clause *fourth* of the same section, after the words "suspicious characters" the words "or vagrants or wandering gangs" shall be inserted.

New sections
54A and
54B.

Transfer of
tenures or
holdings.

Ejection of
tenants.

Amendment
of section 60.

14. Before section 55 of the said Regulation the following sections shall be inserted, namely:—

"54A. No transfer of a tenure or holding shall be valid without the consent of the Deputy Commissioner or Sub-divisional Officer."

"54B. A tenant shall not be ejected from his tenure or holding without an order of the Deputy Commissioner."

15. In section 60 of the said Regulation, after the word "and" the words "except in so far as the Local Government otherwise directs" shall be inserted.

REG. IV, 1904.]

47 of the said
," the following

oxicating drugs
ng, unlawful as-

section, after the
escaped convicts"
'specified' the

a hue and cry
concerned in any
has been or is
s village".

otion the follow-

son who may be
stensible means of
sfactory account
porary residence
ver or vendor of

me section, after
the words "or
be inserted.

id Regulation the
namely:—

e or holding shall
Deputy Commis-

ejected from his
der of the Deputy

gulation, after the
in so far as the
" shall be inserted.

Not in force in India

REGULATION NO. V OF 1904.

A Regulation to make better provision for the
Law relating to the Courts of Wards in
the North-West Frontier Province.

[Received the assent of the Governor General on the 24th
December, 1904; and published in the Gazette of India on
the 31st idem.]

WHEREAS it is expedient to make better provi-
sion for the Law relating to the Courts of Wards
in the territories for the time being administered by
the Chief Commissioner of the North-West Frontier
Province; It is hereby enacted as follows:—

1. This Regulation may be called the North-West
Frontier Province Court of Wards Regulation, 1904.

Short title.

2. The Punjab Court of Wards Act, 1903, shall
be in force in the territories for the time being
administered by the Chief Commissioner of the North-
West Frontier Province:

Application
of Punjab
Act II, 1903.

Provided that—

(a) all references to the Punjab and to the Local
Government shall be construed as referring
to the territories for the time being admin-
istered by the Chief Commissioner of the
North-West Frontier Province and to the
said Chief Commissioner, respectively;

(b) all references to the Financial Commissioner
shall be construed as referring to the
Revenue Commissioner, and the references
to the Commissioner of the Division in
section 4, sub-sections (2) and (3), shall
be deemed to be omitted; and

(c) all references to the Gazette shall be construed
as referring to the Gazette of India:

Provided

[Price One Anna Three Pies.]

Punjab II of
1903.

North-West Frontier Province [REG. V, 1904.]
Court of Wards.

Provided also that, for the purpose of facilitating the application of the said Act, a Court may, subject to the other provisions of this Regulation, construe it with such further alteration, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

Repeal of
sections 89
to 92,
Regulation
VII, 1901.

3. (1) Sections 89 to 92 of the North-West Frontier Province Law and Justice Regulation, 1901, VII of 1901, shall be repealed.

(2) But all rules and appointments made, orders issued, authorities and powers conferred, farms and leases granted, rights acquired, liabilities incurred and other things done under the said sections shall, so far as may be, be deemed to have been respectively made, issued, conferred, granted, acquired, incurred and done under the provisions of the Punjab Court of Wards Act, 1903, as applied by this Regulation.

Punjab II of
1903.

(3) Any enactment or document referring to the said sections or any of them shall, so far as may be, be construed as referring to the Punjab Court of Wards Act, 1903, or the corresponding provisions thereof, as applied by this Regulation.

V of 1

V of :

Rep. Reg. 6 of 1925

[REG. V, 1904.]

of facilitating
art may, subject
tion, construe it
fecting the sub-
to adapt it to

the North-West
Regulation, 1901, VII of 1901.

its made, orders
rred, farms and
ities incurred and
ions shall, so far
espectively made,
ncurred and done

Court of Wards
tion. Punjab II of
1903.

referring to the
so far as may be,
Punjab Court of
nding provisions
on.

REGULATION No. I OF 1905.

A Regulation to amend the Ajmer Municipalities Regulation, 1886.

[Received the assent of the Governor General on the 14th April, 1905; and published in the Gazette of India on the 22nd idem.]

V of 1886.

WHEREAS it is expedient to amend the Ajmer Municipalities Regulation, 1886; It is hereby enacted as follows:—

1. This Regulation may be called the Ajmer Municipalities (Amendment) Regulation, 1905. Short title.

V of 1886.

2. In section 128 of the Ajmer Municipalities Regulation, 1886, the words "at more than a walking pace" are hereby repealed. Repeal of part of section 128, Regulation V, 1886.

[Price one anna.]

REGULATION No. II OF 1905.

A Regulation further to amend the Assam Land and Revenue Regulation, 1886.

[Received the assent of the Governor General on the 14th June, 1905; published in the Gazette of India on the 17th idem; and in the Assam Gazette on the 24th idem.]

I of 1886.

WHEREAS it is expedient further to amend the Assam Land and Revenue Regulation, 1886; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Assam Land and Revenue (Amendment) Regulation, 1905; and

Short title, commencement and extent.

(2) It shall come into force in the whole or any portion of the province of Assam on such dates and to such extent as the Chief Commissioner may, by notification in the local official Gazette, appoint.

I of 1886.

2. In this Regulation "section" means a section of the Assam Land and Revenue Regulation, 1886.

Definition.

3. For section 12 the following shall be substituted, namely:—

New section substituted for section 12.

"12. In the case of any land over which no person has the rights of a proprietor, landholder or settlement-holder under this Regulation, the Chief Commissioner may make rules to provide for—

Power to make rules for the disposal of Government lands and ejectment therefrom of unauthorized occupiers.

(1) the disposal by way of grant, lease or otherwise of such land,

(2) the ejectment of any person who has entered into unauthorized occupation of such land, and

(3) the disposal of any crop raised, or any building or other construction erected, without authority on such land."

4. After

[Price one anna and nine pies.]

New section
inserted
after
section 53.
Power to
Deputy
Commis-
sioner to
direct
registration
on informa-
tion received
otherwise
than through
application.

4. After section 53 the following shall be inserted, namely :—

“53A. (1) Notwithstanding anything contained in sections 50 to 53, where the Deputy Commissioner has received information, otherwise than through an application, of any such taking of possession or assumption of charge as is referred to in section 50, he may make an order directing the registration of the name of the person so taking possession or assuming charge :

Provided that—

- (a) the information has been verified by local inquiry made by an officer not below the rank of an Assistant Settlement-officer, or
- (b) notice has been published and an enquiry has been held in the manner prescribed by sections 52 and 53 as if an application for registration had been received from the person to whom the information relates.

(2) Where any person is aggrieved by an order directing registration under this section which has been made after verification of the information received by local enquiry only, he may apply to the Deputy Commissioner to have such order set aside, and on receipt of such application the Deputy Commissioner shall cancel the registration and then proceed to publish the notice and hold the enquiry prescribed by sections 52 and 53 as if an application for registration had been received from the person whose name had been registered.”

New section
substituted
for section
68.

Penalty
leviable on
arrears
and notice
of demand.

5. For section 68 the following shall be substituted, namely :—

“68. (1) When an arrear has accrued, an additional charge by way of penalty not exceeding one rupee may be levied.

(2) If the arrear is not in respect of a permanently-settled estate, the prescribed officer may in his discretion, before employing any of the processes for enforcing

shall be inserted,

thing contained
by Commissioner
man through an
of possession or
o in section 50,
registration of
session or assum-

erified by local
: not below the
ment-officer, or

. an enquiry has
r prescribed by
a application for
eived from the
ation relates.

ed by an order
ction which has
the information
ay apply to the
order set aside,
e Deputy Com-
and then pro-
the enquiry pre-
application for
he person whose

shall be substi-

ccrued, an addi-
exceeding one

pect of a perma-
officer may in his
he processes for
enforcing

enforcing payment prescribed by this Chapter, issue a notice of demand, calling on the defaulter to pay the amount within a time specified :

Provided that, in such classes of cases, not being cases in which an arrear has accrued in respect of a permanently-settled estate, as the Chief Commissioner may direct in this behalf, the prescribed officer shall not employ any such process for enforcing payment as aforesaid, until he has issued a notice of demand and the defaulter has failed to pay the arrear within the time specified in such notice."

6. After section 69 the following shall be inserted, namely :—

Insertion
of new
section after
section 69.

" Attachment of defaulting estate.

69A. (1) When an arrear has accrued in respect to a temporarily-settled estate, the Deputy Commissioner, with the previous sanction of the Commissioner, may attach the estate, and may take it under his own management or may let it in farm.

Attachment
of estate,
application
of profits
and duration
of attach-
ment.

(2) During the continuance of such attachment, the settlement-holder shall be excluded from possession of the land attached, and the Deputy Commissioner or the person to whom it is let in farm by the Deputy Commissioner shall have all the rights of the settlement-holder to manage the estate, and to realise the rents and profits arising therefrom.

(3) The surplus profits of the estate, after defraying the costs of attachment and of collection, shall be applied, first, to the payment of any revenue becoming due in respect of such estate during the attachment, and, next, to discharging the arrear for the recovery of which the attachment was made.

(4) The attachment shall continue until the arrear is paid or realised from the profits of the estate attached, or the Deputy Commissioner reinstates the settlement-holder in possession :

Provided that, without the sanction of the Chief Commissioner, no attachment shall continue for a longer period than five years."

7. In

Amendment
of section
90, sub-
section (2).

7. In sub-section (2) of section 90, after the words "Deputy Commissioner" the words "may eject the settlement-holder from possession and" shall be inserted.

Insertion
of new
section
after
section 116.

8. After section 116 the following shall be inserted, namely :—

Procedure
to be
followed
by Deputy
Commis-
sioner in
giving
effect to the
partition.

"116A. As soon as may be after the date on which the partition takes effect under the last preceding section, the Deputy Commissioner shall deliver to the several sharers possession of the separate lands allotted to them, and for this purpose may, if necessary, summarily eject any proprietor or landholder who may refuse to vacate the same."

Insertion
of new
section
after section
144.

9. After section 144 the following shall be inserted, namely :—

Recovery
of rents,
fees, royal-
ties, and
of moneys
due to
Government
in certain
cases.

"144A. All rents, fees and royalties due to the Government for the use or occupation of land or water (whether the property of the Government or not) or on account of any products thereof, and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be so recoverable, may be recovered under this Regulation in the same manner as an arrear of land-revenue."

[REG. II, 1905.]

, after the words
"may eject the
and" shall be

wing shall be

ie date on which
last preceding
ll deliver to the
te lands allotted
y, if necessary,
landholder who

ing shall be in-

lties due to the
ation of land or
Government or
thereof, and all
ider any grant,
h provides that
recovered under
as an arrear of

REGULATION No. III OF 1905.

A Regulation further to amend the Upper
Burma Civil Courts Regulation, 1896.

[Received the assent of the Governor General on the 21st July,
1905; published in the Gazette of India on the 29th idem;
and in the Burma Gazette on the 19th August, 1905.]

I of 1896.

WHEREAS it is expedient further to amend the
Upper Burma Civil Courts Regulation, 1896; It
is hereby enacted as follows:—

1. (1) This Regulation may be called the Upper Burma Civil Courts (Amendment) Regulation, 1905; and

Short title
and com-
mencement.

(2) It shall come into force on such date as the
Local Government may, by notification in the local
official Gazette, appoint.

I of 1896.

2. For section 15 of the Upper Burma Civil
Courts Regulation, 1896, the following shall be
substituted, namely:—

Substitution
of new
section for
section 15,
Regulation
I, 1896.
Power of
Courts to
transfer
cases.

XIV of 1882.

"15. (1) The Divisional Court may exercise, as
regards the Courts under its control, the same powers
of withdrawal, trial and transfer as are conferred by
section 25 of the Code of Civil Procedure on a
District Court.

(2) In addition to the powers referred to in sub-
section (1), a Divisional Court and a District Court
may, by order in writing, direct that any case or class
of cases which may be instituted in such Court, or in
any Court subordinate thereto, shall be disposed of by
an Additional Judge of such Court or by any other
Court subordinate thereto, or by an Additional Judge
of any such subordinate Court, as the case may be:

Provided that no direction under this section shall
empower any Court to exercise jurisdiction beyond
the pecuniary limits of its jurisdiction.

(3) The

[Price one anna three pies.]

Civil Courts (Upper Burma). [REG. III, 1905.]

(3) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

(4) When a case has been withdrawn or transferred under section 25 of the Code of Civil Procedure or under this section, any fees payable in such case under the Court-fees Act, 1870, or under rules made under this Act, shall be payable at the rates which would have been applicable in the Court from which the case has been withdrawn or transferred."

XIV of 1882.

VII of 1870.

Amendment
of section 17,
Regulation
I, 1896.

3. For sub-sections (2), (3), (4) and (5) of section 17 of the said Regulation the following shall be substituted, namely :—

"(2) The Judges of the Divisional, District, Sub-divisional and Township Courts shall be appointed by the Local Government."

Ref. Act 1 of 1938 &
Coorg. Act 2 of 1940

[REG. III, 1905.]

withdrawn under
uses shall, for the
a Court of Small

drawn or trans-
f Civil Procedure
ble in such case
under rules made
the rates which
ourt from which
ferred."

nd (5) of section
llowing shall be

al, District, Sub-
be appointed by

XIV of 1882.

VII of 1870.

REGULATION NO. IV OF 1905.

A Regulation to amend the Coorg Courts Regulation, 1901.

[Received the assent of the Governor General on the 29th August, 1905; published in the Gazette of India on the 2nd September, 1905; and in the Coorg District Gazette on the 2nd October, 1905.]

WHEREAS it is expedient to amend the Coorg Courts Regulation, 1901; It is hereby enacted as follows:—

I of 1901.

1. This Regulation may be called the Coorg Courts (Amendment) Regulation, 1905.

Short title.

I of 1901.

2. For sub-section (2) of section 15 of the Coorg Courts Regulation, 1901, the following shall be substituted, namely:—

Amend-
ment of
section 15,
sub-section
(2), Regu-
lation I,
1901.

"(2) When an appeal or an application for revision is preferred to the Judicial Commissioner in respect of any decree or order which was passed by him in another capacity, or in which he is personally interested, he shall, unless all the parties request him to dispose of the case himself, transfer it for disposal to the High Court at Madras, or to such officer as the Governor General in Council may appoint to be an additional Judicial Commissioner for the disposal thereof."

3. In sub-section (3) of the said section, for the words "the appeal" the words "any case" shall be substituted.

Amend-
ment of
section 15,
sub-section
(3).

[Price one anna only.]

REGULATION No. I OF 1906.

A Regulation further to amend the North-West Frontier Province Law and Justice Regulation, 1901.

[Received the assent of the Governor General on the 26th January, 1906 ; and published in the Gazette of India on the 3rd February, 1906.]

WHEREAS it is expedient to amend the North-West Frontier Province Law and Justice Regulation, 1901 ; It is hereby enacted as follows :—

1. This Regulation may be called the North-West Frontier Province Law and Justice (Amendment) Regulation, 1906. Short title.

2. After section 87 of the North-West Frontier Province Law and Justice Regulation, 1901, the following section shall be added, namely :— Addition of new section after section 87, Reg. VII, 1901.

“ 87A. (1) When an appeal or an application for revision is preferred to the Judicial Commissioner in respect of any decree or order which was passed by him in another capacity, or in which he is personally interested, he shall, unless all the parties request him to dispose of the case himself, transfer it for disposal to the Chief Court of the Punjab at Lahore, or to such officer as the Governor General in Council may appoint to be an Additional Judicial Commissioner for the disposal thereof. Procedure when Judge is interested in decree.

(2) When an Additional Judicial Commissioner is appointed under sub-section (1), he shall, in disposing of any case transferred to him thereunder, have all the powers of the Judicial Commissioner under this Regulation.”

Price one anna.

Government of India Central Printing Office No. 826 L. D.—6-2-06—500—G. R.

REGULATION NO. II OF 1906.

A Regulation to make better provision for the Law relating to pre-emption in the North-West Frontier Province.

[Received the assent of the Governor General on the 27th September, 1906; and published in the Gazette of India on the 6th October, 1906.]

WHEREAS it is expedient to make better provision for the law relating to pre-emption in the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province; It is hereby enacted as follows:—

1. This Regulation may be called the North-West Frontier Province Pre-emption Regulation, 1906. Short title.

Punj. II of 1905.

2. The Punjab Pre-emption Act, 1905 (hereinafter referred to as "the said Act"), shall be in force in the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province: Application of Punjab Act II of 1905.

Provided that—

- (a) the portions of the said Act specified in the first column of the Schedule shall, in their application to the said territories, be construed subject to the alterations indicated in the second column of the said Schedule;
- (b) section 20, clauses (a) and (c), section 21, clauses (a) and (c), and sections 26 and 27 of the said Act as hereby altered shall not apply to the districts of Peshawar and Kohat;
- (c) all references in the said Act to the Local Government shall be construed as referring to the Chief Commissioner of the North-West Frontier Province; and

(d) all

[Price one anna and three pies.]

N.-W. Frontier Province Pre-emption. [REG. II, 1906.]

- (d) all references in the said Act to the Punjab Alienation of Land Act, 1900, shall be construed as referring to that Act as modified in its application to the North-West Frontier Province by Regulation I of 1904 :

XIII of 1900.

Provided also that, for the purpose of facilitating the application of the said Act, a Court may, subject to the other provisions of this Regulation, construe it with such further alteration not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Repeals.

3. Sub-section (2) of section 79 and section 87 of the Punjab Land-revenue Act, 1887, and sections 34 to 41 of the North-West Frontier Province Law and Justice Regulation, 1901, shall be repealed.

XVII of 1887.

VII of 1901.

THE SCHEDULE.

[Section 2, *provisos (a) and (b).*]

ALTERATIONS IN PORTIONS OF THE PUNJAB PRE-EMPTION ACT 1905, AS APPLIED TO THE NORTH-WEST FRONTIER PROVINCE.

Sections of Act.	Alterations.
Section 1 (2)	<i>Substitute</i> "(2) It extends to the territories for the time being administered by the Chief Commissioner of the North-West Frontier Province."
Section 2 (1) & Schedule.	<i>Omit.</i>
Section 3 (1)	<i>Substitute</i> for the words "or under any earlier law" the words and figures "or the Hazara Tenancy Regulation, 1887, or the Agror Valley Regulation, 1891, or under any other law or regulation".
Section 12 (a)	<i>Insert</i> after the word "entitled" the words "by right of blood relationship".
Section 12 (c), <i>secondly.</i>	<i>Substitute</i> for the words " <i>patti</i> or other subdivision" the words "kundi, tal, or other principal subdivision".
Section 14 (c)	<i>Substitute</i> for the word " <i>patti</i> ", in both places where it occurs, the words "kundi, tal".
Section 16	<i>Substitute</i> for the word "chaupal" the word "hujra".
Section 19 (1) (a).	<i>Substitute</i> "(a) to deposit in Court such sum as does not in the opinion of the Court exceed the probable value of the property or in the case of a right to redeem property the amount really due on the footing of the mortgage, or".
Section 21	<i>Omit</i> in sub-section (1) the figure "(1)" and <i>insert</i> between the word "finds" and the word "that" the letter "(a)"; and between the word "or" and the word "that" the letter "(b)", and <i>substitute</i> in sub-section (2) for the figure "(2)" the letter "(c)".

t to the Punjab
1900, shall be
at Act as modi-
the North-West
Regulation I of

se of facilitating
urt may, subject
lation, construe it
ffecting the sub-
r to adapt it to

nd section 87 of
and sections 34
rovince Law and
pealed.

XIII of
1900.

XVII of
1887.

VII of 1901

(b).]

PRE-EMPTION ACT
FRONTIER PROVINCE.

territories for the time
Commissioner of the

any earlier law" the
Tenancy Regulation,
n, 1891, or under any

e words "by right of

ther subdivision" the
subdivision".

both places where it

e word "hujra".

h sum as does not in
probable value of the
redeem property the
he mortgage, or".

" and insert between
at" the letter "(a)";
the word "that" the
tion (2) for the figure

REGULATION No. I OF 1907.

A Regulation for conferring power to prevent persons from passing across the frontier out of certain Districts and from entering, or residing or travelling in, disturbed parts of Upper Burma or the Hill District of Arakan.

[Received the assent of the Governor General on the 22nd February, 1907; published in the Gazette of India on the 2nd March, 1907; and in the Burma Gazette on the 16th March, 1907.]

WHEREAS it is expedient that the Local Government and certain of its officers should have authority to prevent persons from passing out of certain parts of Upper Burma and the Hill District of Arakan into foreign or unadministered territory or Shan or Karenni States, and from entering, or residing or travelling in, disturbed parts of Upper Burma or of the Hill District of Arakan; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907.

Title, extent
and com-
mencement.

(2) It extends to the whole of Upper Burma and to the Hill District of Arakan; and

(3) It shall come into force on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

2. A person warned in the manner hereinafter provided shall not—

Warning
against pass-
ing from a
notified
district into
foreign or
unadminis-
tered terri-
tory, Shan
or Karenni
States.

(a) pass from any local area which the Local Government may, by notification in the local official Gazette, declare to be a "notified district" for the purposes of this Regulation, across the frontier of, or across any boundary which the Local Government may, by such notification, declare to be

the

[Price one anna and six pies.]

Upper Burma and Arakan Hill Frontier Crossing.

the administrative boundary of, such notified district, into any foreign territory or Shan or Karenni State or into any territory beyond such boundary ; or,

(b) while a notification under this clause is in force, pass from any part of the territories to which this Regulation extends into any other part of those territories to which the Local Government has, by notification in the local official Gazette, declared this clause to apply ; or,

(c) while a notification under this clause is in force, reside or travel in any part of those territories to which the Local Government has, by notification in the local official Gazette, applied this clause and which is mentioned in the warning.

Service or
publication
of warning.

3. Every warning for the purpose of this Regulation shall be in writing and shall,—

(a) if addressed to an individual, be signed by the Commissioner of the division or Deputy Commissioner of the district within which the individual dwells or may be found, and be served upon him in such manner as the Local Government may by general or special order prescribe ;

(b) if addressed to a class of persons or to the public generally, be published, with the previous sanction of the Governor General in Council, in the local official Gazette and otherwise in such manner as the Local Government may by general or special order direct.

Consequence
of dis-
obedience to
warning.

4. (1) If any person to whom a warning served or published under the last foregoing section is addressed disobeys, or attempts to disobey, the warning,—

(a) he shall be punished with fine which may extend to five hundred rupees ; and

(b) the

Crossing.

of, such
sign terri-
r into any
; or,

ause is in
territories
is into any
which the
fication in
clared this

ause is in
y part of
Local Gov-
the local
clause and
ing.
is Regula-

e signed by
ivision or
strict with-
or may be
im in such
nt may by
be;

is or to the
, with the
Governor
cal official
manner as
general or

ing served
section is
, the warn-

which may
; and

(b) the

2

Upper Burma and Arakan Hill Frontier Crossing.

(b) the Local Government may order him to remove to such place within the territories to which this Regulation extends as it may direct in this behalf.

(2) If any person contravenes any order under sub-section (1), clause (b), the Commissioner of the division or Deputy Commissioner of the district within which the person is dwelling or may be found may cause him to be arrested and detained in custody until he accepts his release upon such conditions as the Local Government thinks fit to impose.

5. (1) If the Commissioner of the division or Deputy Commissioner of the district within which any person, whether a European British subject or not, is dwelling or may be found, reasonably suspects that the person intends to disobey a warning served on him or published in accordance with section 3, the Commissioner or Deputy Commissioner may require such security for his good behaviour for a period not exceeding six months as the Commissioner or Deputy Commissioner may deem sufficient.

Power to
Commis-
sioner or
Magistrate
to require
security for
good be-
haviour in
certain
cases.

V of 1898.

(2) The provisions of the Code of Criminal Procedure, 1898, sections 112 to 126 (both inclusive), and section 514 shall, so far as they can be made applicable, apply to all cases under this section.

X of 1887.
III of
1898.

6. The Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887, and so much of the Third Schedule to the Burma Laws Act, 1898, as relates to the aforesaid Regulation, are hereby repealed.

Repeals.

THE COORG MUNICIPAL REGULATION, 1907 (II OF 1907).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and extent.
2. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

3. Proposal to create, alter the limits of, or abolish, municipality.
4. Contents of notification under section 3.
5. Creation, alteration of limits, or abolition, of municipality.
6. Effect of including local area in municipality.
7. Effect of excluding local area from municipality or withdrawing whole area of municipality from Regulation

CHAPTER III.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

8. Number and appointment of members of committee.
9. Term of office of members.
10. Incorporation of committee.
11. Member of committee to be municipal commissioner.
12. Appointment of president and vice-president.
13. Removal of president, vice-president and members of committee.
14. Delegation of powers.

Conduct of Business.

15. Ordinary and special meetings.

16. Time

[Price Fifteen Annas.]

SECTIONS.

16. Time and place for holding meetings.
17. Chairman of meeting.
18. Quorum.
19. Vote of majority decisive.
20. Record and publication of proceedings.
21. By-laws for conduct of business.
22. Extraordinary powers of president and vice-president in case of emergency.

Joint Committees.

23. Joint committees.

Defects in Constitution and Irregularities.

24. Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

25. Appointment of secretary.
26. Employment of other officers and servants.
27. Power to call for reduction of establishment or of cost of establishment and dismissal of unfit persons.
28. Pensions, gratuities and leave-allowances of Government officials serving committees.
29. Leave-allowances, pensions, gratuities and annuities of officers or servants other than Government officials.

Contracts.

30. Authority to contract.
31. Mode of entering into contracts.
32. Penalty on member, officer or servant of committee being interested in contract made with committee.

Privileges and Liabilities.

33. Bar of suit in absence of notice.
34. Liability of members for loss, waste or misapplication.

CHAPTER IV.

TAXATION AND MUNICIPAL FUND.

Taxation.

35. Taxes which may be imposed.
36. Assessment of Government houses or buildings in certain cases.
37. Limitation

SECTIONS.

- 37. Limitation upon taxes in certain cases.
- 38. Procedure in imposing taxes.
- 39. Tax not invalid for defect of form.
- 40. Power of committee to abolish or reduce or exempt from tax.
- 41. Power of Chief Commissioner to abolish or reduce tax.
- 42. Duty of furnishing true information regarding liability to taxation.
- 43. Recovery of taxes.
- 44. Power to charge fees.
- 45. Appeals against taxation.
- 46. Limitation of appeal.
- 47. Taxation not to be questioned except under this Regulation.

Municipal Fund and Property.

- 48. Constitution of municipal fund.
- 49. Application of fund.
- 50. Custody and investment of municipal fund.
- 51. Property vested in committee.
- 52. Acquisition of land under Act I of 1894.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

- 53. Power to acquire land for building sites adjoining new streets.
- 54. Power to close streets.
- 55. Power to permit temporary occupation of streets or land.
- 56. Power to attach brackets for lamps.
- 57. Names of streets and numbers of buildings.
- 58. Roofs and external walls not to be made of inflammable materials.
- 59. Power to regulate line of buildings.
- 60. Power to regulate new buildings.
- 61. Removal of projections and overhanging structures.
- 62. Exemption of Government buildings or lands from the operation of sections 53 to 61.

Bathing and Washing Places.

- 63. Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

- 64. Removal and deposit of offensive matter.

65. Places

ags.

ings.

it and vice-president

regularities.
o invalidate proceed-

servants.
abishment or of cost
f unfit persons.
wances of Government

ties and annuities of
overnment officials.

servant of committee
e with committee.

ies.

te or misapplication.

FUND.

ses or buildings in
37. Limitation

SECTIONS.

- 65. Places for slaughter of animals.
- 66. Slaughter of animals for other purposes.
- 67. Special provisions with respect to disposal of dead bodies of animals.
- 68. Definition of "animal".

Burial and Burning Places.

- 69. Powers in respect of burial and burning places.
- 70. Removal of corpses.

Inflammable Materials.

- 71. Inflammable materials.

Powers of Entry and Inspection.

- 72. Powers in respect of drains, privies and cess-pools.
- 73. Powers of entry on buildings or land.
- 74. Power to enter for discovery of animals or vehicles liable to taxation.
- 75. Power in respect of places used for sale or storage of articles for human consumption, as slaughter-houses, or for sale of drugs.
- 76. Power of entry in certain cases for purposes connected with scavenging.
- 77. Power in respect of inflammable or explosive material when stored in excess of authorized quantity.
- 78. Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

- 79. Troughs and pipes for rain-water.
- 80. Provision of privies or cess-pools.
- 81. Repair and closing of privies, drains or cess-pools.
- 82. Unauthorized building over drains.
- 83. Removal of drains, latrines or cess-pools near any source of water-supply.
- 84. Power to require drainage of unwholesome tanks.

Dangerous Buildings and Places.

- 85. Power to require buildings, wells, tanks or excavations to be secured.
- 86. Power to require building, wall or structure in ruinous or dangerous state to be removed or repaired.

Buildings and Grounds in Insanitary Condition.

- 87. Power to require owner to clear away noxious vegetation.
- 88. Power

1907.] *Municipalities (Coorg).*

SECTIONS.

- 88. Power to require owner to trim hedges and trees bordering on street.
- 89. Power to require filthy buildings or land to be cleaned.
- 90. Power to prohibit use for human habitation of buildings unfit for such use.
- 91. Power to require untenanted buildings becoming a nuisance to be secured or enclosed.
- 92. Power to Chief Commissioner to prohibit cultivation, use of manure or irrigation injurious to health.

Offensive and Dangerous Trades.

- 93. Regulation of offensive and dangerous trades.
- 94. Power to prohibit such trades.
- 95. Milkmen and others not to keep animals or cattle without license.

Sale of Food, Drink and Drugs.

- 96. Power to make by-laws as to sale of articles intended for human consumption and drugs.

Disposal of Dogs.

- 97. Disposal of mad and stray dogs

Restraint of Infection.

- 98. Prohibition by committee of use of unwholesome water.

By-laws generally.

- 99. General power to make by-laws.
- 100. Power to prohibit commission of public nuisances.
- 101. Powers as to conditional orders in respect of certain acts and omissions.
- 102. Delegation of powers to sub-committees.

CHAPTER VI.

OFFENCES AND PENALTIES.

- 103. Depositing or throwing earth or materials, or refuse, rubbish or offensive matter, on roads or into drains.
- 104. Discharging sewage.
- 105. Failure to remove offensive matter.
- 106. Making or altering drains without authority.
- 107. Making or keeping latrines near any source of water-supply.

108. Feeding

SECTIONS.

108. Feeding animals on deleterious substances.
109. Neglect of the rule of the road.
110. Driving vehicles without proper means of control or without lights.
111. Discharging fire-arms, etc.
112. Control of elephants and camels.
113. Taking animals or vehicles along public roads.
114. Beating drum or sounding musical instrument.
115. Suffering animals to be at large.
116. Altering, obstructing or encroaching upon streets.
117. Quarrying, blasting, cutting timber or building.
118. Making or selling food when suffering from disease.
119. Disturbing direction-posts or lamps.
120. Destroying or defacing names or numbers.
121. Slaughtering animals contrary to section 65.
122. Slaughtering animals or conveying meat contrary to notification under section 66.
123. Improper disposal of dead bodies of animals.
124. Burying or burning corpse contrary to section 69.
125. Carrying corpses by prohibited routes or so as to cause annoyance.
126. Selling article for human consumption of a nature different from the article demanded.
127. Possession of article or animal unfit for human consumption or adulterated drug.
128. Refusing to sell food or drink.
129. Cultivating, manuring or irrigating contrary to section 92.
130. Using places for certain trades without license.
131. Using places for offensive or dangerous trades after prohibitory notice.
132. Soliciting for purposes of prostitution.
133. Disobedience to orders not punishable under any other section.
134. Prosecution to be suspended in certain cases.

CHAPTER VII.

EXTINCTION AND PREVENTION OF FIRE.

135. Establishment and maintenance of fire-brigade.
136. Power of fire-brigade and other persons for suppression of fires.
137. Powers subject to prescribed regulations, etc.
138. Operation of Chapter.

CHAPTER VIII.

CHAPTER VIII.

CONTROL.

SECTIONS.

139. Control by Commissioner.
140. Power to suspend action under Regulation.
141. Extraordinary powers of Commissioner in cases of emergency.
142. Powers of Chief Commissioner in case of default of committee.
143. Power of Chief Commissioner to supersede committee in case of incompetency, persistent default or abuse of powers.
144. Power of Chief Commissioner to frame forms and make rules.
145. General powers of Chief Commissioner.

CHAPTER IX.

SUPPLEMENTAL.

Notices.

146. Authentication, service and validity of notices.
147. Execution of acts required to be done by any notice.
148. Mode of giving notice to owner or occupier of property.
149. Publication of public notices.

Miscellaneous.

150. Recovery of costs of execution.
151. Compensation out of municipal fund.
152. Powers and duties of police in respect of offences against Regulation, and assistance to municipal authorities.
153. Initiation of prosecutions.
154. Power to compound offences.
155. Commissioner's power to revise certain orders of committee.
156. No appeal to lie against any order unless expressly provided for in the Regulation and all orders made in appeal to be final.
157. Suspension of proceedings and prosecutions when the revision of certain orders is under contemplation.
158. Procedure for making rules or by-laws.
159. Power to make rules regulating conservancy of reservoir and catchment area.
160. Saving of Act XI of 1879.

161. Brothels.

ances.

means of control or

public roads.
instrument.

upon streets.
or building.
ag from disease.

members.
tion 65.
meat contrary to

animals.
to section 69.
es or so as to cause

ption of a nature
d.
it for human con-

contrary to section

out license.
gerous trades after

on.
ble under any other

ain cases.

OF FIRE.

fire-brigade.
persons for suppression
lations, etc.

CHAPTER VIII.

SECTIONS.

- 161. Brothels.
- 162. Power to except municipality from provisions of Regulation unsuited thereto.

CHAPTER X.

SMALL TOWNS.

- 163. Constitution of notified areas.
- 164. Power for Chief Commissioner to impose taxation and regulate expenditure of proceeds thereof.
- 165. Application of Regulation to notified areas.
- 166. Effect of cancellation of notification issued under section 163.

CHAPTER XI.

REPEALS.

- 167. Repeals.

[REG. II

provisions of Re-

pose taxation and
ereof.
l areas.
ion issued under

Amendment [As on 5.3.66]

Coorg Regs 191332, 6 8 1340, 7 8 1340, 3 8 1345,

1907.]

191347, 3 8 1349, 3 8 1351

Act 191338. 4 8 1314

Act 1337 Mysore Act 18 8 1360

REGULATION No. II OF 1907.

A Regulation to make better provision for the organization and administration of municipalities in Coorg.

[Received the assent of the Governor General on the 28th June, 1907; published in the Gazette of India on the 6th July, 1907; and in the Coorg District Gazette on the 1st August, 1907.]

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in Coorg; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Coorg Municipal Regulation, 1907; and

Short title
and extent.

(2) It extends to the territories for the time being administered by the Chief Commissioner of Coorg.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "municipality" means a local area declared by or under this Regulation to be a municipality :

(b) "committee" means a municipal committee established by or under this Regulation :

(c) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(d) "owner", used with reference to any building or land, includes the person who is receiving the rent of the building or land,

whether

Municipalities (Coorg). [REG. II
(Chapter II.—*Constitution of Municipalities.*—Section 3.)

whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant :

- (e) "prescribed" means prescribed by rules made by the Chief Commissioner under this Regulation :
- (f) "tax" includes any toll, rate, cess, fee or other impost leviable under this Regulation : and
- (g) "explosive" and "petroleum" have the meanings assigned to them in the Indian Explosives Act, 1884, and the Indian Petroleum Act, 1899, respectively.

IV of 1884.
VIII of 1899.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal
to create,
alter the
limits of,
or abolish,
municipality.

3. The Chief Commissioner may, by notification in the local official Gazette and by such other means as he may determine, signify his intention—

- (a) to declare any town, or any group of towns, in the immediate neighbourhood of one another, a municipality under this Regulation ;
- (b) to include within a municipality any local area in the vicinity of the same ;
- (c) to exclude from a municipality any local area comprised therein ; or
- (d) to withdraw the whole area comprised in any municipality from the operation of this Regulation :

Provided that, where any part of a local area affected by any such notification is a military cantonment or part of a military cantonment, such notification shall not be published without the previous consent of the Governor General in Council.

4. Every .

1907.] [REG. II
Municipalities.—Sec-

at or as agent or
receive the rent
ere let to a ten-

nd by rules made
er under this

te, cess, fee or
er this Regula-

am" have the
a in the Indian
nd the Indian
ctively. IV of 1884.
VIII of 1899.

LITIES.

by notification
ch other means
tion—

group of towns,
urhood of one
er this Regula-

lity any local
me;

any local area

nprised in any
eration of this

of a local area
ilitary canton-
such notifica-
the previous
uncil.

4. Every

1907.] *Municipalities (Coorg):*
(Chapter II.—Constitution of Municipalities.—Sec-
tions 4-7.)

4. Every notification published under section 3 shall define the limits of the local area to which it refers. Contents of notification under section 3.

5. (1) Any inhabitant of any part of a local area defined in a notification published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Chief Commissioner within six weeks from the date of the publication of the notification, and the Chief Commissioner shall take his objection into consideration. Creation, alteration of limits, or abolition of, municipality.

(2) When six weeks from the date of the publication of the notification have expired, the Chief Commissioner may, by a further notification in the local official Gazette,—

(a) declare the local area or any specified part thereof to be a municipality under this Regulation, or

(b) include the local area or any part thereof in the municipality or exclude it therefrom, or

(c) withdraw the whole area comprised in the municipality from the operation of this Regulation,

as the case may be.

6. When a local area is included in a municipality by a notification published under section 5, sub-section (2), all rules and by-laws made, orders, directions and notices issued, and powers conferred and in force throughout the municipality at the time when the local area is so included, shall apply thereto unless the Chief Commissioner, in and by the notification, otherwise directs. Effect of including local area in municipality.

7. (1) When a local area is excluded from a municipality by a notification published under section 5, sub-section (2),— Effect of excluding local area from municipality or withdrawing whole area of municipality from Regulation.

(a) this Regulation and all rules and by-laws made, orders, directions and notices issued, and powers conferred thereunder shall cease to apply thereto;

(b) the

Municipalities (Coorg). [REG. II
(Chapter III.—Organization of Committees.—Section 8.)

(b) the Chief Commissioner shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal school and hospital funds and other property vested in the committee shall vest in His Majesty for the benefit of the inhabitants of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council ; and, on the publication of such scheme in the local official Gazette, such property and liabilities shall vest and be apportioned accordingly.

(2) When the whole area comprised in any municipality is withdrawn from the operation of this Regulation by a notification published under section 5, subsection (2), this Regulation and all rules and by-laws made, orders, directions and notices issued, and powers conferred thereunder, shall cease to apply thereto ; and the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in His Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in His Majesty under this section shall be applied, under the orders of the Chief Commissioner, to the discharge of the liabilities imposed on the Secretary of State for India in Council thereby or for the promotion of the safety, health, welfare or convenience of the inhabitants of the area affected.

CHAPTER III.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

8. (1) There shall be established for each municipality

Number and
appointment

1907.]

Municipalities (Coorg).

(Chapter III.—Organization of Committees.—Sections 9-10.)

pality a committee having authority over that municipality and consisting of such number of members, not less than five, as may be prescribed. of members of committee.

(2) Such members may be appointed, in the prescribed manner, by nomination or by election, or some by nomination and some by election.

(3) Not less than two-fifths of the members of a committee shall be persons other than salaried officers of the Government.

(4) Every appointment of a member shall be notified in the local official Gazette.

9. (1) Where a member of a committee is appointed by virtue of office, the person for the time being holding the office shall be a member until the Chief Commissioner otherwise directs. Term of office of members.

(2) Every member of a committee appointed otherwise than by virtue of office shall be a member for the prescribed term, which may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member shall, if otherwise qualified, be eligible for reappointment.

(4) Any member of a committee wishing to resign shall forward his written resignation through the president of the committee to the Commissioner, and he shall be deemed to have vacated his seat when the acceptance of his resignation by the Chief Commissioner has been communicated to the committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name: Incorporation of committee.

Provided that no committee shall transfer any immoveable property except in pursuance of a resolution

[REG. II]

Municipalities (Coorg).
(Chapter III.—Organization of Committees.—Sections 11-13.)

lution passed at a special meeting and approved by the Chief Commissioner.

Member of committee to be municipal commissioner.

11. Every member of a committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

Appointment of president and vice-president.

12. (1) There shall be a president and vice-president of every committee.

(2) The Chief Commissioner may appoint any person, whether a member of the committee or not, to be president or vice-president, or may authorize any committee to elect, in the prescribed manner, its president or vice-president, or both.

(3) The election of a president or vice-president shall not be valid until it has been confirmed by the Chief Commissioner and has been notified in the local official Gazette.

(4) A president and vice-president shall hold office for the prescribed term.

(5) Where a person not already a member of the committee is appointed or elected president or vice-president, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his appointment or election, and shall continue to be a member so long as he holds office as president or vice-president.

Removal of president, vice-president and members of committee.

13. The Chief Commissioner may, at any time, remove the president, vice-president or any member of a committee—

(a) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be the president or vice-president or a member of the committee ;

(b) if he, without an excuse sufficient in the opinion

and approved by

shall be deemed
in the meaning
in force.

and vice-presi-

ay appoint any
nittee or not, to
authorize any
manner, its pre-

vice-president
nfirmated by the
fied in the local

shall hold office

member of the
sident or vice-
nything in the
of the com-
election, and
he holds office

at any time,
or any member

s. incapable of
solvent, or is
once, or sub-
to any such
on of the Chief
aracter which
dent or vice-
committee;

icient in the
opinion

1907.]

*Municipalities (Coorg).**(Chapter III.—Organization of Committees.—Sections 14-17.)*

opinion of the Chief Commissioner, absents himself for more than three consecutive months from the meetings of the committee or of a sub-committee of which he is a member; or

- (c) if his continuance in office is, in the opinion of the Chief Commissioner, undesirable in the interests of the public or of the municipality.

14. The Chief Commissioner may, by notification in the local official Gazette, delegate to the Commissioner in respect of any specified municipality or municipalities in his jurisdiction all or any of the powers and functions of the Chief Commissioner in respect of the appointment or resignation of a president, vice-president or any member of a committee.

Delegation
of powers.

Conduct of Business.

15. (1) A meeting of a committee shall be either ordinary or special.

Ordinary and
special meet-
ings.

(2) Any business may be transacted at an ordinary meeting unless it is required by or under this Regulation to be transacted at a special meeting.

16. (1) Every committee shall meet for the transaction of business at least once in every month at such time and place as may, from time to time, be fixed by by-laws made under section 21.

Time and
place for
holding
meetings.

(2) The president or, in his absence or during the vacancy of his office, the vice-president may, whenever he thinks fit, and shall on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

17. (1) At every meeting of a committee the president, if present, shall preside as chairman.

Chairman of
meeting.

(2) If, when any meeting is held, the office of president is vacant or the president is absent from the meeting and the vice-president is present, the vice-president shall preside as chairman.

(3) In

(Chapter III.—Organization of Committees.—Sections 18-21.)

(3) In any case not provided for by sub-section (1) or sub-section (2), the members present shall elect one of their number to be chairman of the meeting.

Quorum.

18. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the members of the committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by by-laws made under section 21, but shall be not less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Vote of majority decisive.

19. Save as otherwise provided by or under this Regulation, all questions brought before any meeting of a committee shall be decided by a majority of the votes of the members present, and, in the case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Record and publication of proceedings.

20. (1) Minutes of the proceedings at each meeting of a committee shall be recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in the manner prescribed, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant of the municipality.

(2) A copy of every resolution passed by a committee at a meeting shall, within six days from the date of the meeting, be forwarded to the Commissioner.

By-laws for

21. (1) A committee may, from time to time, at

1. [REG. II
committees.—Sec-

by sub-section (1)
sent shall elect
of the meeting.

for the transac-
of a committee
he committee.

a transaction of
committee shall
members of the
re, be fixed by
hall be not less

a special meeting
sent, the chair-
h other day as
would have been
g, if there had
ght before, and
whether there

y or under this
ore any meeting
majority of the
n the case of an
a meeting shall

gs at each meet-
in a book to be
l by the chair-
suing meeting,
prescribed, and
out charge, be
ant of the muni-

assed by a com-
days from the
to the Commis-

time to time,
at

1907.] *Municipalities (Coorg).*
(Chapter III.—Organization of Committees.—Sec-
tion 22.)

at a special meeting make by-laws consistent with conduct of
this Regulation and the rules thereunder for regu- business.
lating—

- (a) the time and place of its meetings ;
- (b) the conduct of its business ;
- (c) the quorum necessary for the transaction of
business at ordinary meetings ;
- (d) the division of duties among its members, the
formation of sub-committees, and the
powers to be exercised by sub-committees
or by such members as are primarily re-
sponsible for the current executive adminis-
tration, whether presidents, vice-presi-
dents, members of sub-committees or indi-
vidual members ;
- (e) the duties and salaries of its officers and
servants ;
- (f) the persons by whom receipts may be granted
on its behalf for money received under
this Regulation ; and
- (g) other similar matters.

(2) No by-law made under this section shall take
effect until it has been confirmed by the Chief Com-
missioner.

22. In cases of emergency the president or, in his
absence or during the vacancy of his office, a vice-
president may direct the execution of any work or
the doing of any act which the committee is
empowered to execute or do, and the immediate
execution or doing of which is, in his opinion, neces-
sary for the service or safety of the public, and may
direct that the expense of executing such work or
doing such act shall be paid from the municipal
fund :

Extraordin-
ary powers
of president
and vice-
president
in case of
emergency.

Provided that—

- (a) he shall not act under this section in contra-
vention

Municipalities (Coorg). [REG. II
(Chapter III.—Organization of Committees.—Sections 23-25.)

vention of any order of the committee;
and

- (b) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

Joint committees.

23. (1) A committee may, from time to time, concur with any other committee, or with a district council, or with an independent local board, or with a cantonment authority, or with more than one such committee, council, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, councils, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) Where any difference of opinion arises between committees, councils, boards or authorities acting under this section, the decision thereon of the Commissioner shall be final.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

24. Anything done or any proceedings taken under this Regulation shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

25. (1) Every committee shall, from time to time, at

rg). [REG. II
committees.—Sec-

the committee;

this section shall
allowing meeting

in time to time,
or with a district
board, or with a
e than one such
ity, in appointing
it committee for
ly interested, and
it committee, and
mittee any power
er or any of the
thorities, and in
as to the proceed-
nd as to the con-
the purpose for
ted.

ion arises between
authorities acting
eon of the Com-

irregularities.

proceedings taken
be questioned on
ttee or joint com-
or irregularity not

nts.

from time to time,
at

1907.]

Municipalities (Coorg).

(Chapter III.—Organization of Committees.—Sec-
tions 26-27.)

at a special meeting and subject to the approval of
the Chief Commissioner, appoint one or more of its
members, or, with the sanction of the Chief Commis-
sioner, any other person or persons, to be its secretary
or secretaries, and may, at a like meeting and subject
to the like approval, remove any person so appointed.

(2) A committee may, with the previous sanction
of the Chief Commissioner, assign to a secretary such
salary as the committee thinks fit:

Provided that, where a member of the committee
is appointed to be secretary, he shall receive no re-
muneration in respect of his services.

26. Subject to the other provisions of the Regula-
tion and to the qualifications prescribed in the case of
persons appointed to offices requiring professional
skill, a committee may employ, in addition to its sec-
retary, such other officers and servants as may be
necessary or proper for the efficient execution of its
duties, and may assign to such officers and servants
such salaries as it thinks fit.

Employment
of other
officers and
servants.

27. (1) If, in the opinion of the Commissioner,
the number of persons employed by a committee as
officers or servants, or whom the committee propose to
employ as such, or the salaries assigned by the com-
mittee to those persons or any of them, are excessive,
the committee shall, on the requisition of the Com-
missioner, within such time as may be fixed by the
Commissioner in this behalf, reduce the number of
those persons or their salaries, as the case may be.

Power to
call for
reduction of
establishment
or of cost
of establish-
ment and
dismissal
of unfit
persons.

(2) If, in the opinion of the Commissioner, any
person employed by a committee as an officer or
servant is by reason of bad character, incompetence or
idleness, or for any other sufficient reason, not fit to
be retained in the service of the committee, the com-
mittee shall, on the requisition of the Commissioner,
within one month from the date of receipt of such
requisition, dispense with the services of such person:

Provided that, before making any such requisition,

the

Municipalities (Coorg). [REG. II
(Chapter III.—*Organization of Committees.*—*Sections 28-29.*)

the Commissioner shall call upon the officer or servant concerned to show cause why such requisition should not be made.

(3) The committee to whom a requisition is made under sub-section (1), and any person whose services are dispensed with in compliance with a requisition under sub-section (2), may appeal to the Chief Commissioner, whose decision shall be final :

Provided that no person removed in compliance with a requisition made under sub-section (1) shall have any right of appeal.

Pensions,
gratuities
and leave-
allowances
of Govern-
ment officials
serving
committees.

28. In the case of a Government official a committee may,—

(i) where his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the Civil Service Regulations for the time being in force ; and

(ii) where he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Leave-allow-
ances, pen-
sions, gratu-
ities, and
annuities of
officers or
servants
other than
Government
officials.

29. In the case of an officer or servant not being a Government official, a committee may—

(a) grant him leave-allowances and, where his monthly pay is less than ten rupees, a gratuity ; and,

(b) with the general or special sanction of the Chief Commissioner,—

(i) subscribe on his behalf for pension or gratuity under the Civil Service Regulations for the time being in force ; or

(ii) purchase

1). [REG. II
committees.—Sec-

fficer or servant
quisition should

quisition is made
whose services
a requisition
the Chief Com-

in compliance
ction (1) shall

official a com-

ent to it, sub-
stutuity and leave-
with the Civil
a time being in

art of his time
ities in behalf
a contribution
on or gratuity
such propor-
by the Govern-

vant not being
ay—

and, where his
ten rupees, a

sanction of the

for pension or
Service Regula-
n force; or

(ii) purchase

1907.] *Municipalities (Coorg).*
(Chapter III.—Organization of Committees.—Sec-
tions 30-32.)

(ii) purchase for him from the Government or
otherwise an annuity on his retirement :

Provided that no leave-allowance, pension, gratuity
or annuity shall exceed the sum to which, under the
Civil Service Regulations for the time being in force,
the officer or servant would be entitled if the service
had been service under Government.

Contracts.

30. (1) A committee may delegate to one or more
of its members or to a secretary the power of entering
on its behalf into any particular contract whereof the
value or amount does not exceed two hundred rupees
or into any class of such contracts.

Authority
to contract.

(2) A contract whereof the value or amount
exceeds two hundred rupees shall not be entered into
until it has been sanctioned by the committee at a
meeting.

31. (1) Every contract made by or on behalf of a
committee whereof the value or amount exceeds fifty
rupees shall be in writing.

Mode of
entering into
contracts.

(2) Every such contract shall be signed by the
president or vice-president and a secretary :

Provided that the committee may delegate to one
or more of its members or to a secretary the power
of signing any contracts which he or they is or are
empowered to enter into under section 30, sub-sec-
tion (1).

(3) If a contract to which this section applies is
entered into otherwise than in conformity therewith,
it shall not be binding on the committee.

32. (1) If any member, officer or servant of a
committee is, otherwise than with the written per-
mission of the Commissioner, directly or indirectly
interested in any contract made with the committee,
he shall be deemed to have committed an offence
under section 168 of the Indian Penal Code.

Penalty on
member,
officer or
servant of
committee
being in-
terested in
contract
made with
committee.

XLV of 1860.

Municipalities (Coorg). [REG. II
(Chapter III.—Organization of Committees.—Sections 33-34.)

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

Privileges and Liabilities.

Bar of suit
in absence
of notice.

33. (1) No suit shall be instituted against a committee or any of its officers or servants or any person acting under its direction for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a committee, delivered or left at its office, and, in the case of any such officer, servant or person as aforesaid, delivered to him or left at his office or usual place of abode.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action and service of such notice as aforesaid is admitted or proved.

(3) Where it is proved to the satisfaction of the Court that before the suit was instituted tender of sufficient amends had been made to the plaintiff, the plaintiff shall not recover his costs nor any relief not included in such tender, and shall defray the costs of the defendant in the suit.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability of
members for
loss, waste
or misappli-
cation.

34. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to, or under the control of, the committee, if such loss, waste or misapplication is a direct consequence

[REG. II

mittees.—Sec-

being a share-
l or registered
any contract
the committee,
dings of the
t.

against a com-
or any person
done or pur-
on, until the
ice in writing,
and place of
relief which
nmittee, deli-
se of any such
livered to him
de.

ed unless it is
e date of the
nd service of
proved.

action of the
ted tender of
plaintiff, the
any relief not
y the costs of

be deemed to
on 54 of the

I of 1877.

the loss, waste
ther property
e committee,
direct conse-
quence

1907.]

Municipalities (Coorg).

(Chapter IV.—Taxation and Municipal Fund.—
Section 35.)

quence of his neglect or misconduct while a member
of the committee, and a suit for compensation for
the same may be instituted against him by the com-
mittee, with the previous sanction of the Commis-
sioner, or by the Secretary of State for India in Council.

CHAPTER IV.

TAXATION AND MUNICIPAL FUND.

Taxation.

35. Subject to any general rules or special orders
which the Governor General in Council may make in
this behalf, a committee may, for the purposes of
this Regulation, impose, with the sanction hereinafter
specified in each case and in the manner required
by section 38, any of the following taxes, namely :—

Taxes which
may be
imposed.

(a) with the previous sanction of the Chief Com-
missioner,—

- (i) a tax on houses, buildings or lands
situate within the limits of the
municipality, not exceeding seven
and a half per centum of the gross
annual letting value of the houses,
buildings or lands ;
- (ii) a tax on persons occupying houses,
buildings or lands within the limits
of the municipality according to
their circumstances and property
within those limits ;
- (iii) a tax on persons exercising any pro-
fession or art, or carrying on any
trade or calling, within the limits
of the municipality ;
- (iv) a tax on all or any vehicles or animals
used for riding, driving, draught

or

23

[REG. II]

Municipalities (Coorg).
(Chapter IV.—Taxation and Municipal Fund.—
Section 36.)

or burden or on dogs, where such vehicles, animals or dogs are kept within the limits of the municipality ;

- (v) a tax on vehicles and animals used as aforesaid entering the limits of the municipality, and on boats moored within those limits ;
 - (vi) an octroi on goods or animals brought within the limits of the municipality for consumption or use within those limits ;
 - (vii) market-dues on persons using any building, structure, market, bazar or ganj belonging to or under the control of the committee, or exposing goods for sale in any place belonging to or under the control of the Government or the committee ;
 - (viii) fees on the registration of cattle sold within the limits of the municipality ;
 - (ix) a latrine or conservancy tax upon private latrines or cess-pools or upon premises or compounds cleansed by municipal servants or a tax for the maintenance of public latrines ; and
 - (x) a water-rate where water is supplied by the committee ; and,
- (b) with the previous sanction of the Chief Commissioner and of the Governor General in Council, any tax not authorized under clause (a).

Assessment
of Govern-
ment houses

36. (1) In any municipality in which any tax is imposed under section 35, clause (a), sub-head (ii), no tax shall be assessed on any person in respect of his occupation

1907.]

*Municipalities (Coorg).**(Chapter IV.—Taxation and Municipal Fund.—
Sections 37-38.)*

occupation of any houses, buildings or lands, the property of His Majesty; but a rate not exceeding seven and a half per centum may be assessed on the annual value of such houses, buildings or lands, and such rate shall be payable by the Government.

or buildings
in certain
cases.

(2) For the purposes of sub-section (1), the annual value shall be deemed to be the gross annual rental at which the houses, buildings or lands may be reasonably expected to let:

Provided that, where the actual cost of erecting any such house or building can be ascertained or estimated, the annual value of such house or building shall, in no case, be deemed to exceed an amount which would be equal to seven and a half per centum on such cost, in addition to a reasonable ground-rent for the land on which such house or building has been erected.

37. In assessing the amount of any latrine or conservancy tax upon private latrines or cess-pools or upon premises or compounds cleansed by municipal servants or a water-rate, under section 35, clause (a), sub-head (ix) or sub-head (x), regard shall be had to what is actually expended on the service rendered, or on the water supplied, as the case may be.

Limitation
upon taxes in
certain cases.

38. (1) A committee may resolve at a special meeting to propose the imposition of any tax for the purposes of this Regulation.

Procedure in
imposing
taxes.

(2) Where a resolution has been passed under sub-section (1), the committee shall publish, in the prescribed manner, a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant of the municipality objecting to the proposed tax may, within one month from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take his objection into consideration.

(4) Where

*(Chapter IV.—Taxation and Municipal Fund.—
Section 39.)*

(4) Where no objection is submitted as aforesaid, or where the objections so submitted, having been considered by the committee, are deemed insufficient, the committee may forward its proposals to the Chief Commissioner with the objections (if any) so submitted.

(5) The Chief Commissioner may, on receiving the proposals of the committee, sanction the same, or refuse to sanction them, or sanction them subject to such modifications as he may think fit, or return them to the committee for further consideration.

(6) Where the Chief Commissioner sanctions any proposals which, under section 35, clause (b), require the further sanction of the Governor General in Council, he shall submit them to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction them, or refuse to sanction them, or sanction them subject to such modifications as he may think fit, or return them to the Chief Commissioner for further consideration.

(7) No modification affecting the substance shall be made under sub-section (5) or sub-section (6) unless and until the modification has been accepted by the committee at a special meeting.

(8) Where any proposals for taxation have been sanctioned under sub-section (5) or sub-section (6) by the Chief Commissioner or by the Chief Commissioner and the Governor General in Council, as the case may be, the Chief Commissioner may, by notification in the local official Gazette, direct the imposition of the tax as sanctioned from such date as may be specified in the notification, and may by rule determine the authority by which the initial assessments shall be fixed, and thereupon the tax shall come into effect as from the date so specified.

Tax not in-
valid for
defect of
form.

39. A tax imposed under this Regulation shall not be invalid for defect of form; and, where any property

d as aforesaid,
having been
ed insufficient,
ls to the Chief
any) so sub-

on receiving
on the same, or
em subject to
or return them
ion.

sanctions any
se (b), require
r General in
the Governor
ons (if any)
the Governor
or refuse to
bject to such
return them to
sideration.

rbstance shall
ab-section (6)
m accepted by

on have been
ab-section (6)
Chief Commis-
uncil, as the
er may, by
te, direct the
m such date
n, and may
ch the initial
upon the tax
o specified.

gulation shall
l, where any
property

1907.]

*Municipalities (Coorg).**(Chapter IV.—Taxation and Municipal Fund.—
Sections 40-43.)*

property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

40. A committee, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, may abolish or reduce any tax imposed under this Regulation, or suspend the operation of any tax within any part of the municipality for any specified period, or exempt in whole or in part from the payment of any tax any person or class of persons or any property or description of property.

Power of
committee to
abolish or
reduce or
exempt from
tax.

41. The Chief Commissioner may, for reasons to be recorded, exercise the powers conferred on a committee by section 40.

Power of
Chief Com-
missioner to
abolish or
reduce tax.

42. (1) A committee may, by notice, call upon any inhabitant of the municipality to furnish within a reasonable time such information as may be necessary in order to ascertain

Duty of
furnishing
true inform-
ation regard-
ing liability
to taxation.

(a) whether such inhabitant is liable to pay any tax imposed under this Regulation; and

(b) the amount at which he should be assessed.

(2) Where any inhabitant called upon to furnish information in pursuance of sub-section (1) omits to furnish it, or furnishes information which is untrue, and which he knows or believes to be untrue or which he does not believe to be true, he shall be punishable with fine which may extend to one hundred rupees.

43. (1) Arrears of any tax may, on the application of the committee or of some person authorized generally or specially by the committee in this behalf to a Magistrate having jurisdiction within the limits of the municipality, be recovered, with any sum leviable on account of court-fees or the prescribed process-fees, and with interest at the rate of twelve and a half per centum per annum, by distress and sale of any move-

Recovery of
taxes.

able

[REG. II

Municipalities (Coorg).
(Chapter IV.—Taxation and Municipal Fund.—
Section 43.)

able property belonging to the defaulter within the limits of such Magistrate's jurisdiction :

Provided that no interest shall be so recovered in any case in which the Magistrate, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

(2) Where the arrears are due in respect of immovable property, they shall, subject to any claim on behalf of His Majesty, be a first charge on the property and shall be recoverable, on the application of the committee or of some person authorized generally or specially by the committee in this behalf to the Commissioner, as if the property were land assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall be deemed to authorize the arrest of a defaulter.

(3) Where there is no sufficient moveable property belonging to the person from whom any money is claimable on account of any arrears of any tax within the jurisdiction of any Magistrate having jurisdiction within the limits of the municipality, any such Magistrate may, on the application of the committee or of some person authorized generally or specially by the committee in this behalf, grant a certificate of the amount due on account of arrears, with court-fees, process-fees and interest (if any), by the person from whom the money is claimable, and shall forward the certificate so granted to the Magistrate within whose jurisdiction any such property belonging to such person is or is believed to be; and the Magistrate receiving such certificate shall proceed to recover, by distress and sale of any moveable property belonging to the defaulter within the limits of his jurisdiction, the amount certified, with any further sum leviable on account of court-fees or process-fees, and shall remit the amount recovered under such certificate to the Magistrate by whom the certificate was granted.

44. (1) Where

1907.]

Municipalities (Coorg).(Chapter IV.—Taxation and Municipal Fund.—
Sections 44-46.)

ter within the
:
o recovered in
reasons to be
expedient that

ect of immove-
any claim on
charge on the
the application
on authorized
e in this behalf
erty were land
were an arrear

ection shall be
alter.

veable property
any money is
s of any tax
istrate having
e municipality,
application of
authorized gene-
in this behalf,
ue on account
s and interest
m the money
certificate so
se jurisdiction
person is or is
receiving such
distress and sale
o the defaulter
n, the amount
on account of
nit the amount
Magistrate by

44. (1) Where

44. (1) Where any license is granted by a com-
mittee under this Regulation, or where permission is
given by a committee for making any temporary
erection or for putting up any projection or for the
temporary occupation of any street, the committee
may charge a fee for such license or permission.

Power to
charge fees.

(2) The committee may also charge such fees as
may be fixed by by-laws made under section 99 for
the use of any places belonging to, or under the control
of, the committee.

45. (1) An appeal from the assessment or levy of
any tax under this Regulation shall lie to the
committee.

Appeals
against tax-
ation.

(2) Where, on the hearing of an appeal under
this section, any question as to the liability to, or
the principle of assessment of, a tax arises, on which
the committee entertains a reasonable doubt, it may,
either of its own motion or on the application of any
person interested, draw up a statement of the facts of
the case and the point on which the doubt is enter-
tained, and refer the statement with its own opinion
on the point for the decision of such officer as may
be appointed by the Chief Commissioner in this behalf,
and his decision shall be final unless the Chief Com-
missioner sees fit to revise it.

46. (1) No appeal shall lie in respect of any
assessed tax unless it is preferred—

Limitation
of appeal.

(a) within one month after the publication of an
assessment-list or notice, where such publi-
cation is provided for in the system of
assessment framed under section 38, sub-
section (2) ; or

(b) within one month after the final decision of
the assessing authority on any objection
received, where an opportunity for sub-
mitting objections to the assessing authority
is allowed and any objection has been duly
submitted.

(2) Except

Municipalities (Coorg). [REG. II
(Chapter IV.—Taxation and Municipal Fund.—
Sections 47-49.)

(2) Except as provided in sub-section (1),^o no appeal shall lie in respect of any tax, unless the appeal is preferred within one month from the time when the demand for the tax is made, and unless (except when the president otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the municipal office on or before the day upon which the appeal is presented.

Taxation
not to be
questioned
except
under this
Regulation.

47. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

Municipal Fund and Property.

Constitution
of municipal
fund.

48. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee;
- (b) all fines recovered from persons convicted of offences committed within the municipality against this Regulation or any rules or by-laws made thereunder or against section 34 of the Police Act, 1861, or against the Public Gambling Act, 1867;
- (c) the balance (if any) standing at the commencement of this Regulation at the credit of the municipal fund under the control of the committee.

V of 1861.
III of 1867.

Application
of fund.

49. (1) The committee shall set apart and apply annually out of the municipal fund—

- (a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) secondly,

1). [REG. II
municipal Fund.—

section (1),* no
unless the appeal
the time when the
ass (except when
the ground of
sh the appeal is
municipal office
the appeal is

o any valuation
of any person to
, in any other
in is provided in

erty.

sh municipality
e placed to the

alf of the com-

is convicted of
the municipality
ny rules or by-
inst section 34
or against the

V of 1861.
III of 1867.

at the com-
n at the credit
the control of

art and apply

l for the pay-
g due on any

(b) secondly,

1907.]

Municipalities (Coorg).

(Chapter IV.—Taxation and Municipal Fund.—
Section 49.)

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 28 and 29;

(c) thirdly, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the committee in return for services rendered to it by these departments; and

(d) fourthly, the cost of the construction and maintenance of buildings for the offices of the committee.

(2) Subject to the charges specified in sub-section (1) and to such priority in respect of the several duties of the committee as may be prescribed, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the limits of the municipality, and, with the sanction of the Commissioner, to the payment of the like charges and expenses without those limits where such an application of the fund is for the benefit of the inhabitants of the municipality, namely :—

(a) the construction, maintenance, improvement, cleansing and repair of streets and public bridges, embankments, drains, latrines, cess-pools, tanks and water-courses;

(b) the watering and lighting of the streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, including veterinary dispensaries, and of other institutions for the promotion

Municipalities (Coorg). [REG. II
(Chapter IV.—Taxation and Municipal Fund.—
Section 50.)

of education or for the benefit of the public, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, recreation-grounds, gardens, parks, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

- (d) grants-in-aid to schools, hospitals, dispensaries, including veterinary dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;
- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity ;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (h) the planting and preservation of trees ;
- (i) the taking of a census, and the registration of births, marriages and deaths ;
- (j) public vaccination and any other sanitary measure ;
- (k) the holding of fairs and industrial exhibitions ;
- (l) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants ; and
- (m) any other matter expenditure whereon may be declared by the committee, with the sanction of the Chief Commissioner, to be an appropriate charge on the municipal fund.

Custody and
investment
of municipal
fund.

50. (1) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In

1907.]

*Municipalities (Coorg).**(Chapter IV.—Taxation and Municipal Fund.—
Section 51.)*

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited with any banker or person acting as a banker who has given such security, if any, for the safe custody and repayment on demand of the fund so deposited as the Chief Commissioner may in each case think sufficient.

(3) A committee may, from time to time, with the previous sanction of the Chief Commissioner, invest any portion of its municipal fund in securities of the Government of India or in such other securities as the Governor General in Council may approve in this behalf, and may vary such investments for others of the like nature; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the municipal fund.

51. (1) Subject to any special reservation which may be made by the Chief Commissioner, all property of the nature hereinafter in this section specified and situated within the limits of the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Regulation, that is to say :—

Property
vested in
committee.

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, and public buildings of every description which have been constructed or are maintained out of the municipal fund;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property)

(2) In

[REG. II

Municipalities (Coorg).
(Chapter IV.—Taxation and Municipal Fund.—
Section 52.)

property) appertaining to any public tank or well ;

(c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto ;

(d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals collected by the committee from the streets, houses, privies, sewers, cess-pools or elsewhere or deposited in places fixed by the committee under section 64 ;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;

(f) all land or other property transferred to the committee by His Majesty or by gift, purchase or otherwise for local public purposes ; and

(g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(2) The Chief Commissioner may, by notification in the local official Gazette, direct that any property which has vested under sub-section (1) in the committee shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested, and the Chief Commissioner may pass such orders as he thinks fit regarding the disposal and management of such property.

Acquisition of
land under
Act I of 1894.

52. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act I of 1894.

sition

by public tank

ains, and all
water-courses
street, and all
s appertaining

refuse, animal
any kind, or
llected by the
houses, privies,
re or deposited
nmittee under

and apparatus
ertaining there-

ferred to the
y or by gift,
al public pur-

ts, stones and
l also all trees,
ents and things

by notification
at any property
in the com-
thereupon the
all cease to be
ner may pass
g the disposal

in or without
uired for the
Commissioner
e, proceed to
Land Acqui-
sition

I of 1894.

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 53-56.)

sition Act, 1894, and, on payment by the committee
of the compensation awarded under that Act and of
the charges incurred by the Government in connec-
tion with the proceedings, the land shall vest in the
committee.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

53. Where any land is required for a new street
or for the improvement of an existing street, the
committee may proceed to acquire, in addition to
the land to be occupied by the street, the land neces-
sary for the sites of the buildings to be erected on
the sides of the street.

Power to
acquire land
for building
sites ad-
joining new
streets.

54. The committee may close temporarily any
street or any part thereof for the purpose of repairs
or for the purpose of constructing or repairing any
sewer, drain, culvert or bridge, or for any other
public purpose, and may divert, discontinue or per-
manently close any street vested in the committee
and sell the land or such part thereof as is not re-
quired for the purposes of this Regulation.

Power to
close streets.

55. The committee may, by order in writing,
permit the temporary occupation of any street or land
vested in it for the purpose of depositing any building-
materials or making any temporary excavation therein
or erection thereon, subject to such conditions as it
may prescribe for the safety or convenience of persons
passing by or dwelling or working in the neighbour-
hood, and may charge fees for such permission, and
may at its discretion withdraw the permission.

Power to
permit tem-
porary occu-
pation of
streets or
land.

56. The committee may attach to the outside of
any building brackets for lamps in such manner as
not to occasion any injury to the building or incon-
venience to the owner or occupier or to the public.

Power to
attach
brackets for
lamps.

57. The

Municipalities (Coorg). [REG. II
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 57-60.)

Names of
streets and
numbers of
buildings.

57. The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Roofs and
external
walls not to
be made of
inflammable
materials.

58. The committee at a meeting may direct that, within certain limits to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other inflammable materials unless with the written permission of the committee; and the committee may, by notice, require any person to remove or alter as it may think fit the roofs or walls so made or renewed.

Power to
regulate line
of buildings.

59. (1) Where any building or part of a building projects beyond the front of the building which is on either side thereof, or beyond the regular line of a street, either existing or determined on for the future, the committee may, if the building or part has been either entirely or in greater part taken down or burnt down or has fallen down, require by notice that the building or part, when being re-built, shall be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Power to
regulate new
building.

60. (1) Every person who intends to erect or re-erect—

(a) any building abutting on or adjoining any street,

may cause a
be affixed on
fit, and may
any building;
time, cause

y direct that,
he roofs and
s shall not be
ves or other
written per-
mittee may,
or alter as it
or renewed.

of a building
g which is on
lar line of a
for the future,
part has been
down or burnt
notice that the
, shall be set
or the front
ortion of the
ting back or
and shall vest

ll make full
mage he may
; or any part

terms as it
rward for the

s to erect or

adjoining any
street,

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Section 60.)

street, or any public place or property
vested in His Majesty or in the committee,

(b) any building, if so required by any by-law
made, under section 99,

shall give notice in writing of his intention to the
committee, and the committee may either refuse to
sanction the said building or may sanction the said
building absolutely or subject to any written directions
which the committee may deem fit to issue in respect
of all or any of the matters following, namely:—

- (i) the free passage or way in front of the
building;
- (ii) the space to be left about the building, to
secure the free circulation of air and
facilitate scavenging and for the prevention
of fire;
- (iii) the ventilation of the building and the
provision and position, materials and method
of construction of drains, privies or cess-
pools;
- (iv) the level and width of foundation, the level
of lowest floor and stability of structure;
- (v) the line of frontage with neighbouring build-
ings, if the building abuts on a street; and
- (vi) the means to be provided for egress from the
building in case of fire;

and the person erecting or re-erecting any such
building as aforesaid shall obey all such written
directions:

Provided that the committee shall not refuse to
sanction the erection or re-erection of such building
except on the ground that its erection or re-erection
would be prejudicial to the health, safety or conven-
ience of the public, or of persons who dwell or occupy
property in the vicinity, or that, having regard to the
locality, it is unsuitable in plan or design, or for other
reasonable cause assigned: and

Provided,

[REG. II

Municipalities (Coorg).
(Chapter V.—Powers for Sanitary and other Purposes.—Section 60.)

Provided, also, that the committee shall make full compensation to the owner for any loss or damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) The committee may require any person, who has given such notice, to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site plan of the land, with such reasonable details as the committee may prescribe in the requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(3) Where the committee neglects or omits for one month after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, and such person has by written communication called the attention of the committee to the omission or neglect, and where such omission or neglect continues for a further period of fifteen days, the committee shall be deemed to have sanctioned the proposed building absolutely.

(4) Where the building so sanctioned is not begun by the person who has obtained such sanction, or by some one lawfully claiming under him, within six months from the date when such sanction is given, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner aforesaid, and thereupon the provisions of this section shall apply to such fresh notice.

(5) Where any such building is begun or erected without sanction or in contravention of any written directions of the committee issued under sub-section (1), or after the sanction has lapsed, the committee

may,

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 61-63.)

e shall make full
loss or damage
e of the prohibi-
ilding, or of its
to be added to

ny person, who
in one week of
fficient plan and
he intends to
plan of the land,
committee may
n such case the
ch plans and

or omits for one
vice under sub-
person who has
ect thereof, and
ation called the
ssion or neglect,
continues for a
mittee shall be
posed building

ed is not begun
sanction, or by
im, within six
ction is given,
sanction; but
bsequent time
in the manner
ns of this sec-

gun or erected
of any written
der sub-section
the committee

may,

may, by notice given within a reasonable time,
require the building to be altered or demolished as it
may deem necessary.

Explanation.—The expression “erect any build-
ing” includes the erection of any wall and all ad-
ditions and alterations which involve new founda-
tions or increased superstructure on existing founda-
tions, or the conversion into a dwelling-house of any
building not originally constructed for human habita-
tion, or the conversion into more than one dwelling-
house of a building originally constructed as one
dwelling-house only.

61. (1) No person shall, without the written per-
mission of the committee, add to or place against or
in front of any building, any projection or structure
overhanging, projecting into, or encroaching on any
street or into, on or over any drain, sewer or aqueduct
therein.

Removal of
projections
and over-
hanging
structures.

(2) The committee may, by notice, require the
owner or occupier of any building to remove or alter
any such projection or structure :

Provided that, in the case of any such projection or
structure lawfully in existence at the commencement
of this Regulation, the committee shall make reason-
able compensation for any damage caused by the
removal or alteration.

(3) The committee may, by order in writing, per-
mit the owners or occupiers of buildings in streets to
put up open verandahs, balconies or rooms projecting
from any upper storey thereof to an extent beyond
the line of the plinth or basement wall, and at a height
from the level of the ground or street, to be specified
in the written permission.

62. Nothing in sections 53 to 61 shall apply to
any building or land within the limits of a municipal-
ity which is the property of His Majesty.

Exemption of
Government
buildings or
lands from
the operation
of sections
53 to 61.

Bathing and Washing Places.

63. The committee may set apart suitable places

Bathing and

for

39

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 64-65.)

washing
places.

for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipality, and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted which may render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places.

Deposit of Offensive Matter and Slaughter-places.

Removal and
deposit of
offensive
matter.

64. The committee may fix places within or, with the approval of the Commissioner, without the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind, or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for
slaughter of
animals.

65. (1) The committee may, with the approval of the Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to, or are under the control of, the committee, charge rent or fees for the use of the same.

(2) Where such places are fixed by the committee, without the limits of the municipality, it shall have the same power to make rules for the inspection and proper regulation of the same, as if they were within those limits.

(3) Where

[REG. fr

other Pur-

y the times
whom, such
part suitable
or for any
earliness or
ipality, and
or washing
not so set
than those
itted which
or unfit for
noyance to
es.

ter-places.

bin or, with
the limits
se, rubbish
he disposal
by public
anner and
se, rubbish
ls may be
l at such

approval of
ther within
ty for the
specified
th the like
the use of
under the
es for the

the com-
ipality, it
es for the
same, as if

(3) Where

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 66-68.)

(3) Where any such place has been fixed, no person shall slaughter for sale any such animal at any other place within the municipality.

66. Where it appears to the Commissioner to be necessary for the preservation of the public peace or order, he may, by notification published in the manner prescribed, prohibit or regulate the slaughter within the limits of a municipality of animals, or of any specified description of animals, for purposes other than sale, and specify the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Slaughter of
animals for
other
purposes.

67. (1) Where any animal in the charge of any person dies otherwise than by being slaughtered either for sale or consumption or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

Special provi-
sions with
respect to
disposal of
dead bodies
of animals.

(a) convey the carcass to a place (if any) fixed by the committee under section 64 for the disposal of the dead bodies of animals, or, where no such place has been fixed, to a place without the limits of the municipality not being within one mile of those limits where such bodies may lawfully be deposited ;

(b) give notice of the death to the committee, whereupon the committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of a carcass under sub-section (1), clause (b), the committee may charge such fee as may from time to time be fixed by resolution of the committee in this behalf.

68. For the purposes of sections 64, 65, 66 and 67, all cattle, elephants, camels, horses, asses, mules, deer, sheep, goats, swine and other large animals shall be deemed to be "animals".

Definition of
"animal."

69. (1) The

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 69-72.)

Burial and Burning Places.

Powers in
respect of
burial and
burning
places.

69. (1) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the committee.

Removal
of corpses.

70. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable
materials.

71. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting grass, straw, cotton, wood or other inflammable materials, or placing mats or thatched huts or lighting fires, in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Powers in
respect of
drains,

72. (1) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset,

aces.

y public notice,
which is, in its
persons living in
m a date to be
such case, if no
exists within a
g place for the

1 burial-grounds
subject to such
impose in this

burial-places are
all only be used
ily of the owners

whether public
after the com-
at the permission

blic notice, pre-
sposes to burial or

ns.

it appears to it
danger to life or
all persons from
cotton, wood or
g mats or thatch-
ce or within any

ction.

person author-
een sunrise and
sunset,

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Section 73.)

sunset, enter into any building or upon any land, and inspect any drains, privies or cess-pools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cess-pools.

privies and
cess-pools.

(2) Where, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building: but where it is found that no nuisance exists, or but for such opening would have existed, the ground or portion of any building, drain or other work (if any) opened, injured or removed for the purposes of such inspection shall be filled in, restored and made good by the committee.

(3) No building other than a latrine directly accessible from any street or public place shall be entered under this section unless six hours' notice has been given to the occupier of the building by the committee or by the person authorized by the committee to make the entry.

73. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier or, where there is no occupier, to the owner of any building or land, at any time between sunrise and sunset,—

Powers of
entry on
buildings or
land.

(a) enter upon and survey and take levels of any land;

(b) enter and inspect any building and by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons;

(c) enter and measure any building for the purpose of valuation;

(d) enter any building or upon any land for the purpose of examining works under construc-

tion,

Municipalities (Coorg). [REG. II
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 74-75.)

tion, of ascertaining the course of sewers or drains, or of executing or repairing any work which the committee is by this Regulation empowered to execute or maintain.

Power to enter for discovery of animals or vehicles liable to taxation.

74. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any animal or vehicle which is liable to taxation under this Regulation and for which the tax has not been duly paid.

Power in respect of places used for sale or storage of articles for human consumption as slaughter-houses or for sale of drugs.

75. (1) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter and inspect any market, building, shop, stall or place used for the sale or storage of articles intended for human consumption or as a slaughter-house, or for the sale of drugs, and inspect and examine any article, animal or drug which may be therein; and, where any such article or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same; or, where the owner or the person in whose possession the same is found consents, may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption; and, in case any drug is reasonably suspected of being adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause any such article, animal or drug to be brought before a Magistrate.

(2) Where the committee, or any person authorized by it in this behalf, applies to purchase any article intended for human consumption or any drug exposed for sale, and tenders the price for a quantity such as may be reasonably requisite for the purpose of analysis, the person exposing the same for sale shall be bound to sell such quantity.

76. (1) The

irse of sewers
repairing any
se is by this
ecute or main-

authorized by
etween sunrise
e, coach-house
o believe that
liable to tax-
ch the tax has

erson author-
sonable times,
g, shop, stall
e of articles
a slaughter-
ect and exa-
hich may be
any animal
an consump-
and remove
he person in
onsents, may
disposed of as to
used for such
is reasonably
manner as to
peration or to
ame, giving a
such article,
agistrate.

erson author-
purchase any
or any drug
or a quantity
the purpose
for sale shall

76. (1) The

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 76-77.)

76. (1) The committee may provide for the per-
formance by its agents of the duties usually per-
formed by sweepers in respect of any building or land,
or of any privy, drain, cess-pool or other receptacle
for offensive matter pertaining to any building or
land, with the consent of the occupier of the build-
ing or land, or without such consent if the occupier
fails to make arrangements to the satisfaction of the
committee for the performance of such duties.

(2) Where the committee has undertaken to pro-
vide for the performance by its agents of such duties
as aforesaid, the persons employed by it to perform
the same may enter upon the property at all reason-
able times so far as may be necessary for the proper
discharge of those duties; and the committee, by
any person authorized by it in this behalf, may enter
upon the property at all reasonable times for the
purpose of ascertaining that such duties have been
duly performed.

77. (1) The committee may, at any reasonable
time, by any person authorized by it in this behalf,
enter and inspect any house or building which is
suspected to contain petroleum or any other explosive
or inflammable material in excess of the quantity
permitted to be kept in such house or building by or
under this Regulation.

(2) Where any such excess quantity of such
material is discovered, it may be seized and held
subject to such orders as the District Magistrate may
make with respect thereto.

(3) Where the District Magistrate decides that
the material seized was stored in the house or build-
ing, in contravention of this Regulation or of any
rule or public notice made or published thereunder,
he may pass an order confiscating the same.

(4) Subject to any rules for the time being appli-
cable thereto, the material so confiscated may be sold
by order of the District Magistrate, and the proceeds,

after

Power of
entry in
certain cases
for purposes
connected
with scaveng-
ing.

Power in
respect of
inflammable
or explosive
material
when stored
in excess of
authorized
quantity.

Municipalities (Coorg). [REG. II
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 78-80.)

after defraying the expenses of the sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceeding to which the persons storing the material in excessive quantity may be liable.

Precautions
to be ob-
served in
entering
dwelling.

78. Where any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and
pipes for
rain-water.

79. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to cause injury to the street or inconvenience to persons passing along the street.

Provision of
privies or
cess-pools.

80. (1) The committee may, by notice, require the owner of any building to provide, in such manner as the committee directs, any privy or cess-pool, or additional privies or cess-pools, which should in the opinion of the committee be provided for the building or the land appurtenant thereto.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient

1907.] *Municipalities (Coorg).*
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 81-83.)

sale, shall be

r this section
minal or civil
; the material

human dwel-
ue regard shall
iments of the
in the actual
ag to custom
otice shall be
withdraw, and
ed to her for

vins.

, require the
to put up and
hs and pipes
from the roof
ing the same
or inconven-
t.

otice, require
such manner
cess-pool, or
should in the
or the build-

require any
workmen or
rinals as it
to be kept in

, require the
land to have
t by a suffi-
cient

cient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trap-door of a privy opening on to any street or drain.

81. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter or put in good order any privy, drain or cess-pool, or to close any cess-pool belonging thereto, or to connect any drain on such building or land with any public drain :

Repair and
closing of
privies, drains
or cess-pools.

Provided that no owner or occupier shall be bound under this sub-section, in order to establish such connection, to carry out any work on land or premises not owned or occupied by him to a greater distance than twenty-five feet.

(2) The committee may, by notice, require any person who constructs any new privy, drain or cess-pool without its written permission or in contravention of its directions or of the provisions of this Regulation, or who constructs, re-builds or opens any privy, drain or cess-pool which the committee has ordered to be removed or stopped up or not to be made, to remove the privy, drain or cess-pool, or to make such alteration therein as the committee thinks fit.

82. The committee may, by notice, require any person who without its written permission erects or re-builds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the building as it thinks fit.

Unauthor-
ized building
over drains.

83. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of the notice.

Removal of
drains,
latrines
or cess-pools
near any
source of
water-supply.

84. The

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 84-87.)

Power to
require
drainage of
unwhole-
some tanks.

84. The committee may, by notice, require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting under this section any drainage it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to
require
buildings,
wells, tanks
or excava-
tions to be
secured.

85. Where any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or the occupier thereof to repair, protect or enclose the same ; and, where it appears to the committee to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Power to
require
building,
wall or
structure in
ruinous or
dangerous
state to be
removed or
repaired.

86. Where any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, the committee may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure or thing affixed thereto as it considers necessary for the public safety ; and, where it appears to the committee to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Insanitary Condition.

Power to
require

87. The committee may, by notice, require the owner or occupier of any land to clear away and
remove

ce, require the
and to cleanse,
ivate tank, well,
hich appears to
or offensive to

effecting under
to acquire any
occupier or to
the committee
nsation.

aces.

well, tank or
it repair, pro-
ons passing by
bourhood, the
owner or the
enclose the
mmittee to be
it danger, the
steps as are

ucture or any-
mmittee to be
us, the com-
or occupier
e same or to
lding, wall or
nsiders neces-
it appears to
er to prevent
orthwith take
langer.

Condition.

, require the
r away and
remove

1907.]

Municipalities (Coorg.)

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 88-92.)

remove any thick or noxious vegetation or under-
growth which appears to it to be injurious to health
or offensive to the neighbourhood.

88. The committee may, by notice, require the
owner or occupier of any land to cut or trim, within
three days, the hedges standing on the land and
bordering on any street, or the branches of trees
growing on the land and overhanging any street and
obstructing the same or causing danger thereto, or
so overhanging any well, tank or other source from
which water is derived for public use as to be likely
to pollute the water thereof.

89. Where the owner or occupier of any building
or land suffers the same to be in a filthy or unwhole-
some state, the committee may, by notice, require him
to cleanse the same or otherwise put it in a proper
state within twenty-four hours.

90. Where any building appears to the committee
to be unfit for human habitation in consequence of
the want of proper means of drainage or ventilation
or for other sufficient reason, the committee may, by
notice, prohibit the owner or occupier of the building
from using it for human habitation or suffering it to
be so used, until the committee is satisfied that it has
been rendered fit for such use.

91. The committee may, by notice, require the
owner, or any person claiming to be the owner, of any
building or land which, by reason of abandonment or
disputed ownership or other cause, remains untenanted
and thereby becomes a resort of idle and disorderly
persons or otherwise a nuisance, to secure or enclose
the same within a reasonable time specified in the
notice.

92. Where the civil surgeon or health officer cer-
tifies that the cultivation of any description of crop,
or the use of any kind of manure, or the irrigation of
land in any specified manner—

(a) in any place within the limits of the municipi-
pality

owner to
clear away
noxious
vegetation.

Power to
require
owner to
trim hedges
and trees
bordering
on street.

Power to
require
filthy build-
ings or land
to be cleaned.

Power to
prohibit
use for
human
habitation
of buildings
unfit for
such use.

Power to
require
untenanted
buildings
becoming a
nuisance to
be secured
or enclosed.

Power to
Chief Com-
missioner to
prohibit cul-
tivation, use
of manure or
irrigation
injurious
to health.

(Chapter V.—Powers for Sanitary and other Purposes.—Section 93.)

pality is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood, or

- (b) in any place within or without the limits of the municipality is likely to contaminate the water-supply of the municipality or otherwise render it unfit for drinking purposes,

the Chief Commissioner may prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury :

Provided that, if the act prohibited has been practised in the ordinary course of husbandry at any time during the five years next preceding the date of the prohibition, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by such prohibition.

Offensive and Dangerous Trades.

Regulation
of offensive
and danger-
ous trades.

93. (1) No place within the limits of the municipality shall be used—

- (a) for melting tallow ; or
- (b) for boiling bones, offal or blood ; or
- (c) as a soap-house, oil-boiling-house, dyeing house or tannery ; or
- (d) as a brick-kiln, pottery or lime kiln ; or
- (e) as any other manufactory or place of business from which offensive or unwholesome smells arise ; or
- (f) as a yard or depôt for trade in hay, straw, cotton, thatching grass, wood or coal, or petroleum or any other explosive or inflammable material,

except under a license obtained by the owner or occupier from the committee and renewable annually.

(2) No

tes practices
th of persons
, or

the limits of
contaminate
municipality or
for drinking

it the culti-
nure, or the
eported to be
with respect

has been prac-
y at any time
date of the
aid from the
d therein for
hibition.

ides.
of the muni-

; or
house, dyeing

kiln ; or
ce of business
olesome smells

n hay, straw,
od or coal, or
sive or inflam-

the owner or
vable annually.

(2) No

1907.]

Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 94-96.)

(2) No such license shall be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(3) The committee may charge fees for the issue and renewal of such licenses, and may impose such conditions in respect thereof as it thinks fit.

94. Where it is shown to the satisfaction of the committee at a meeting that any place licensed under section 93 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to
prohibit such
trades.

95. (1) Within such limits as the committee may determine, no milkman, cartman or keeper of hackney carriages shall keep horses, ponies or cattle for the purpose of trade or business, except under a license obtained by such person from the committee and renewable annually.

Milkmen and
others not to
keep animals
or cattle
without
license.

(2) The committee may charge a fee not exceeding one rupee for the issue or renewal of any such license, and may impose such conditions in respect thereof as it thinks fit.

Sale of Food, Drink and Drugs.

96. (1) The committee may, from time to time, make by-laws, consistent with this Regulation,—

Power to
make by-laws
as to sale of
articles in-
tended for
human con-
sumption and
drugs.

(a) to regulate the sale or exposure for sale of any specified articles intended for human consumption or drugs, either by rendering licenses necessary or otherwise;

(b) to fix fees for the grant of such licenses and prescribe the conditions subject to which they may be granted and revoked;

(c) to

[REG. II

Municipalities (Coorg).
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Section 96.)

- (c) to regulate the hours and manner of transport within the municipality of such specified articles or drugs ;
- (d) to fix the places in which such specified articles or drugs may or may not be sold or exposed for sale ;
- (e) to prohibit the sale of the flesh of animals not slaughtered at a place fixed, or in accordance with a license granted, under section 65 ;
- (f) to require sellers of meat to procure from, and on requisition to produce to, the person or persons empowered in this behalf by the committee, passes showing that their meat has been slaughtered in a place fixed or licensed under section 65 and in accordance with any by-laws made under section 99, sub-section (1), clause (b) ; and
- (g) to regulate the sanitary condition of bakeries, dairies and places where milch animals are kept for profit :

Provided that no person shall be punishable for the breach of any by-law made under clause (a) or clause (d) by reason of the continuance of such sale or exposure for sale upon any premises which are at the time of the making of such by-law used for such purpose and have been so used for a period of not less than one year, until he has received from the committee six months' notice to discontinue such sale or exposure for sale in such premises.

(2) In making any by-law under this section, the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

(3) No by-law made under this section shall come
into

and other Pur-

er of transport
such specified

such specified
y not be sold or

of animals not
, or in accord-
under section

ecure from, and
the person or
behalf by the
hat their meat
place fixed or
l in accordance
der section 99,
and

on of bakeries,
ch animals are

punishable for
r clause (a) or
, of such sale
remises which
a by-law used
ed for a period
received from
continue such
es.

this section,
of it shall be
to fifty rupees,
breach, with
ve rupees for
the breach is

ion shall come
into

1907.] *Municipalities (Coorg).*

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 97-98.)

into force until it has been confirmed by the Chief
Commissioner and published for the prescribed time
and in the prescribed manner.

Disposal of Dogs.

97. (1) The committee, by any person authorized
by it in this behalf, may—

Disposal of
mad and
stray dogs.

(a) destroy or cause to be destroyed, or confine
or cause to be confined, for such period as
the committee may direct, any dog suffer-
ing from rabies or reasonably suspected to
be suffering from rabies ;

(b) confine, or cause to be confined, any dogs
found wandering about streets or public
places without collars or other marks dis-
tinguishing them as private property, and
charge a fee for such detention, and
destroy or otherwise dispose of any such
dog if it is not claimed within one week and
the fee paid ;

(c) appoint from time to time, by public notice,
certain periods within which any dogs with-
out collars or other marks distinguishing
them as private property, found straying
on the streets or beyond the enclosures of
houses of the owners of such dogs, may be
destroyed, and destroy or cause them to be
destroyed accordingly.

(2) No compensation shall be payable in respect
of any dog destroyed or otherwise disposed of under
this section.

Restraint of Infection.

98. Where the committee, on the report of the
civil surgeon or health officer, considers that the water
in any well, tank or other place is likely, if used for
drinking, to engender or cause the spread of any
dangerous disease, it may,—

Prohibition
by committee
of use of
unwholesome
water.

(a) by public notice, prohibit the removal or use
of such water for drinking ;

(b) by

(Chapter V.—Powers for Sanitary and other Purposes.—Section 99.)

- (b) by notice, require the owner or person having control of such well, tank or place either to keep the water disinfected to the satisfaction of the civil surgeon or health officer, or to take such steps as may be specified in the notice to prevent the public from having access to or using such water.

By-laws generally.

General
power to
make by-
laws.

99. (1) The committee may, from time to time, make by-laws, consistent with this Regulation—

- (a) for protecting from injury or interference anything within the limits of the municipality being the property of His Majesty or of the committee ;
- (b) for inspecting and regulating the use of encamping-grounds, halting-places, pounds, sarais, markets, dhobis' ghats, slaughter-houses, places for the disposal of dead animals, and any places of public entertainment and resort, and for the charge of fees for the use of such buildings and places when vested in the committee ;
- (c) for licensing brokers, measurers and weighmen practising their calling in public places within the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;
- (d) for prescribing the standard weights and measures to be used within the municipality ;
- (e) for controlling and regulating the use and management of burial and burning grounds, and fixing the fees to be charged where such grounds have been provided by the committee ;

(f) for

[REG. II
other Pur.

erson having
place either
l to the satis-
1 or health
s as may be
prevent the
or using such

time to time,
lation—

interference
the munici-
His Majesty

use of en-
es, pounds,
s, slaughter-
sal of dead
ublic enter-
ne charge of
ildings and
nittee;

and weigh-
in public
y, and fixing
uses and the
be granted

weights and
the munici-

he use and
ing grounds,
rged where
ded by the

(f) for

1907.]

Municipalities (Coarg).

(Chapter V.—Powers for Sanitary and other Pur-
poses.—Section 99.)

XV of 1881.

(f) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Indian Factories Act, 1881, is to provide for the consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood;

(g) for licensing proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(h) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads, or for the services of persons hired to carry loads where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(i) for securing a proper registration of births, marriages and deaths;

(j) for the proper regulation of buildings let in lodgings or occupied by coolies or by more than one family;

(k) for the supervision and regulation of public cisterns, water-standards, wells, tanks, springs or other sources of public water-supply; and, where water is supplied from a public source to any private premises, for regulating and controlling such supply;

(l) for controlling and regulating the duties of sweepers and other persons employed

by

Municipalities (Coorg). [REG. II
(Chapter V.—Powers for Sanitary and other Pur-
poses.—Section 99.)

by the committee for the clearing of drains and the removal and disposal of sewage and filth, and prescribing the conditions on which they may withdraw from employment;

- (m) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purposes of that tax;
- (n) for the regulation of building within the municipality;
- (o) for regulating the storage of any petroleum or other explosive material;
- (p) for regulating or prohibiting the keeping of animals of any specified description;
- (q) for regulating and prohibiting the stationing of carts or picketing of animals on any ground under the control of the committee or the using such ground as a halting-place for vehicles or animals or as a place for encampment or the causing or permitting any animal to stray;
- (r) for regulating traffic in the streets; and
- (s) generally, for carrying out the purposes of this Regulation.

(2) In making any by-law under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

(3) No by-law made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for the prescribed time and in the prescribed manner.

(4) Notwithstanding anything in this section, the committee of a municipality in which the Hackney-carriage

[REG. II

d other Pur-

ring of drains
sal of sewage
the conditions
aw from em-

i-tax has been
limits for the

; within the

ay petroleum

ie keeping of
ription;

he stationing
mals on any
he committee
halting-place
; a place for
r permitting

ts; and

purposes of

; section the
f. it shall be
end to fifty
uing breach,
ve rupees for
he breach is

m shall come
y the Chief
scribed time

section, the
ie Hackney-
carriage

1907.] Municipalities (Coorg).

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 100-102.)

IV of 1879. carriage Act, 1879, is in force, shall not make by-laws under sub-section (1), clauses (g) and (h), in respect of any vehicles to which that Act applies.

100. Subject to any orders which the Chief Commissioner may make in this behalf, the committee may order any person not to do, or not to omit to do, within the limits of the municipality, anything the doing of, or the omission to do, which is a public nuisance under the Indian Penal Code.

Power to prohibit commission of public nuisances.

IV of 1860. 101. (1) The Chief Commissioner may invest, within the limits of a municipality, the committee with the powers of the District Magistrate as described in section 133 of the Code of Criminal Procedure, 1898, and with power to make conditional orders of the nature referred to in that section, in respect of all or any acts or omissions punishable under by-laws made in exercise of the powers conferred by section 99, sub-section (1), clauses (a), (b), (e), (j) and (k).

Powers as to conditional orders in respect of certain acts and omissions.

of 1898. (2) Sections 133 to 142 of the Code of Criminal Procedure, 1898, shall so far as they can be made applicable, apply to all proceedings taken in exercise of these powers:

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some Magistrate of the first or second class appointed by him in this behalf" were substituted.

102. (1) The committee may, at a special meeting, delegate to one or more sub-committees of its members any of the powers which are vested in the committee by section 100, or with which the committee may have been invested under section 101.

Delegation of powers to sub-committees.

(2) Any notice, which under this Chapter may be given by a committee, may be given by a sub-committee, if the by-laws so provide.

CHAPTER VI

CHAPTER VI.

OFFENCES AND PENALTIES.

Depositing or
throwing
earth or
materials, or
refuse,
rubbish or
offensive
matter, on
roads or into
drains.

103. Whoever, without the written permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging
sewage.

104. Whoever, without the written permission of the committee, causes or allows the water of any sink, sewer or cess-pool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Failure to
remove
offensive
matter.

105. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or
altering
drains with-
out author-
ity.

106. Whoever, without the written permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the channels, sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Making or
keeping
latrines near

107. Whoever makes, without the written permission of the committee, or keeps for a longer time than one week after a notice to remove or close issued under

under section 83, any drain, latrine, urinal, cess-
pool or other receptacle for filth or refuse within
fifty feet of any spring, well, tank, reservoir or other
source from which water is or may be derived for
public use, shall be punishable with fine which may
extend to twenty rupees, and, where a notice has
issued, with further fine which may extend to five
rupees for each day during which the offence is proved
to have been persisted in after the lapse of the period
allowed for removal or closure.

any source
of water-
supply.

108. Whoever feeds or allows to be fed on any
deleterious substance, filth or refuse of any kind
any animal which is kept for dairy purposes or is
intended for human consumption shall be punishable
with fine which may extend to fifty rupees.

Feeding
animals on
deleterious
substances.

109. Whoever, in driving a vehicle in any street,
fails, except in case of actual necessity, to keep to
the left when passing a vehicle coming from the
opposite direction and to the right when passing a
vehicle going in the same direction, shall be punish-
able with fine which may extend to ten rupees.

Neglect of
the rule of
the road.

110. Whoever drives any vehicle without having
proper means of controlling any animal harnessed
therein, or drives any vehicle of any kind after dark
in any street unless the vehicle is properly supplied
with lights or there is sufficient moonlight to render
lights unnecessary, shall be punishable with fine
which may extend to twenty rupees.

Driving
vehicles
without
proper
means of
control or
without
lights.

111. Whoever discharges fire-arms or lets off fire-
works or fire-balloons, or flies kites, or engages in
any game, in such a manner as to cause or be likely
to cause danger or annoyance to persons passing by
or dwelling or working in the neighbourhood, or risk
of injury to property, shall be punishable with fine
which may extend to twenty rupees.

Discharging
fire-arms,
etc.

112. Whoever, being an elephant-driver or camel-
driver, omits on being requested to do so to remove

Control of
elephants
and camels.

his

Municipalities (Coorg). [REG. II.]

(Chapter VI.—Offences and Penalties.—Sections 113-118.)

his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, or of any vehicle drawn by bullocks, shall be punishable with fine which may extend to twenty rupees.

Taking
animals
or vehicles
along public
roads.

113. Whoever, in disregard of any orders of the committee, takes any animal or vehicle along a street, shall be punishable with fine which may extend to twenty rupees.

Beating
drum or
sounding
musical
instrument.

114. Whoever, in disregard of any orders made by the committee with the sanction of the Commissioner, beats any drum or sounds any musical instrument so as to cause annoyance to the public, shall be punishable with fine which may extend to twenty rupees.

Suffering
animals to be
at large.

115. Whoever wilfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person, or suffers any ferocious dog to be at large without a muzzle, shall be punishable with fine which may extend to fifty rupees.

Altering,
obstructing
or encroach-
ing upon
streets.

116. Whoever, without the written permission of the committee, alters, obstructs or encroaches upon any street, public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punishable with fine which may extend to fifty rupees.

Quarrying,
blasting, cut-
ting timber
or building.

117. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Making or
selling food
when suffer-

118. Whoever, when suffering from any infectious or contagious disease, makes or offers for sale any
article

distance on the
or driven, or
all be punishable
rupees.

any orders of the
le along a street,
h may extend to

orders made by
e Commissioner,
ical instrument
public, shall be
tend to twenty

ently lets loose
cause, or negli-
nimal to cause,
to any person,
at large without
ine which may

in permission of
microaches upon
water-course, or
ement or other
street or public
s or makes any
street, shall be
extend to fifty

cuts timber or
h a manner as
nger to persons
the neighbour-
hich may extend

m any infectious
rs for sale any
article

article intended for human consumption, shall be ing from
punishable with fine which may extend to two hun- disease.
dred rupees.

119. Whoever, without the authority of the com- Disturbing
mittee, defaces or disturbs any direction post or lamp- direction-
post, or extinguishes any light maintained by the posts or
committee in any street or public place, shall be lamps.
punishable with fine which may extend to twenty
rupees.

120. Whoever destroys, pulls down or defaces any Destroying
name or number put up under section 57 by order or defacing
of the committee, or puts up any different name names or
or number, shall be punishable with fine which may numbers.
extend to twenty rupees.

121. Whoever, in contravention of the provi- Slaughtering
sions of section 65, slaughters for sale any animal animals
at any place within the municipality other than the contrary to
place fixed under that section, shall be punishable section 65.
with fine which may extend to twenty rupees.

122. Whoever slaughters any animal or conveys Slaughtering
meat from the place of slaughter in contravention of animal or
any notification under section 66, shall be punishable conveying
with fine which may extend to two hundred rupees. meat con-
trary to
notification
under section
66.

123. Whoever fails to comply with the provisions Improper
of section 67 in regard to the disposal of dead bodies disposal of
of animals, shall be punishable with fine which may dead bodies of
extend to ten rupees. animals.

124. Whoever buries or burns, or causes or per- Burying or
mits to be buried or burnt, any corpse in any burial burning
or burning ground made or formed in contravention corpse con-
of the provisions of section 69, or after the date fixed trary to sec-
thereunder for closing the same, shall be punishable tion 69.
with fine which may extend to fifty rupees.

125. Whoever carries a corpse along a route pro- Carrying
hibited by the committee or in a manner likely to corpses by
cause prohibited
cause

Municipalities (Coorg). [REG. II
VI.—*Offences and Penalties.—Sections 126-127.*

routes or so
as to cause
annoyance.

Selling arti-
cle for
human con-
sumption of
a nature
different
from the
article
demanded.

cause annoyance to the public, shall be punishable with fine which may extend to twenty rupees.

126. (1) Whoever sells to the prejudice of any purchaser any article intended for human consumption which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punishable with fine which may extend to one hundred rupees.

(2) The provisions of sub-section (1) shall not apply in the following cases, namely:—

(a) where any matter or ingredient not injurious to health has been added to the article in order to make it fit, as an article of commerce, for carriage or consumption, and not with intent fraudulently to increase its bulk, weight or measure or to conceal its inferior quality;

(b) where the article is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) The provisions of sub-section (1) shall apply to the purchase under section 75, sub-section (2), of any article for the purpose of analysis.

Possession of
article or
animal unfit
for human
consumption
or adulter-
ated drug.

127. Where any animal, article or drug is brought before a Magistrate under section 75, sub-section (1), the Magistrate, if it is proved that the article or animal was intended for the consumption of man and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any
article

article or animal or drug as a carrier or bailee thereof,
shall not be liable to fine under this section.

128. Whoever, in contravention of the provisions
of section 75, sub-section (2), refuses to sell any article
intended for human consumption, shall be punishable
with fine which may extend to fifty rupees.

Refusing to
sell food or
drink.

129. Whoever cultivates, uses manure or irrigates
in disregard of the prohibition or conditions imposed
under section 92, shall be punishable with fine which
may extend to fifty rupees, and with further fine
which may extend to five rupees for every day after
the first during which the offence is proved to have
been persisted in.

Cultivating,
manuring or
irrigating
contrary to
section 92.

130. Whoever, in contravention of the provisions
of section 93 or of section 95, uses without a license
any place for any purpose mentioned in either of
those sections, shall be punishable with fine which
may extend to fifty rupees, and with further fine which
may extend to ten rupees for every day after the first
during which the offence is proved to have been per-
sisted in.

Using places
for certain
trades
without
license.

131. Whoever, after notice has been given under
section 94, uses any place or permits it to be used in
such a manner as to be a nuisance to the neighbour-
hood or dangerous, shall be punishable with fine
which may extend to two hundred rupees, and with
further fine which may extend to forty rupees for
every day after the first during which the offence is
proved to have been persisted in.

Using places
for offensive
or dangerous
trades after
prohibitory
notice.

132. Whoever, in any street or public place within
the limits of the municipality, loiters for the purpose
of prostitution, or importunes any person to the com-
mission of sexual immorality, shall be punishable with
fine which may extend to fifty rupees:

Soliciting
for purposes
of prostitu-
tion.

Provided that no Court shall take cognizance of
an offence under this section except on the complaint
of the person importuned, or of a police-officer not
below the rank of a sub-inspector and specially
authorized

(Chapter VI.—Offences and Penalties.—Sections 133-134. Chapter VII.—Extinction and Prevention of Fire.—Section 135.)

authorized in this behalf in writing by the Commissioner or by the committee, or of an officer of the committee specially authorized in this behalf in writing by the Commissioner.

Disobedience
to orders not
punishable
under any
other section.

133. Whoever disobeys any lawful direction given by public notice under the powers conferred by Chapter V, or any written notice lawfully issued under the powers so conferred, or fails to comply with the conditions subject to which any permission was given to him under those powers, shall, where the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in :

Provided that, where the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

Prosecution
to be suspen-
ded in certain
cases.

134. Any prosecution for an offence punishable under section 124 or section 131 or section 133, where the order which has been disobeyed is appealable, shall, when the Magistrate learns that an appeal has been instituted from the order which has been disobeyed, be suspended pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against the section.

CHAPTER VII.

EXTINCTION AND PREVENTION OF FIRE.

Establish-
ment and
maintenance

135. For the prevention and extinction of fire the committee may establish and maintain a fire-brigade,
and

by the Commis-
sioner of the
this behalf in

direction given
by persons con-
ferred by
lawfully issued
fails to comply
with any permis-
sion, shall,
in the absence of
powers, shall,
be punishable
by a fine of not
less than five
rupees, and,
in the absence of
further fine
for every day
which is proved to

as a time within
and no time is
rest with the
time so fixed was
of this Regula-

once punishable
section 133, where
appealable, shall,
appeal has been
been disobeyed,
the appeal, and,
obedience there-
against the section.

OF FIRE.

action of fire the
of a fire-brigade,
and

1907.] *Municipalities (Coorg).*
(Chapter VII.—*Extinction and Prevention of fire.*—
Section 136.)

and may provide any implements, machinery or
means of communicating intelligence which the com-
mittee may think necessary for the efficient discharge
of their duties by the brigade.

of fire-
brigade.

136. (1) On the occasion of a fire within the
limits of a municipality, any Magistrate, the secre-
tary of the committee, any member of the com-
mittee, any member of a fire-brigade maintained by
the committee then and there directing the opera-
tions of men belonging to the brigade, and, if directed
so to do by a Magistrate or the secretary or a
member of committee, any police-officer above the rank
of constable, may—

Power of fire-
brigade and
other persons
for suppres-
sion of fires.

- (a) remove or order the removal of any person
who by his presence interferes with or
impedes the operations for extinguishing
the fire or for saving life or property;
- (b) close any street or passage in or near which
any fire is burning;
- (c) for the purpose of extinguishing the fire,
break into or through or pull down or
cause to be broken into or through or
pulled down, or used for the passage of
hoses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to
give greater pressure of water in or near the
place where the fire has occurred;
- (e) call on the persons in charge of any fire-
engine to render such assistance as may be
possible; and,
- (f) generally, take such measures as may appear
necessary for the preservation of life or
property.

(2) No person shall be liable to pay compensation
for any act done by him in good faith under sub-sec-
tion (1).

(3) Any damage done in the exercise of a power
conferred or a duty imposed by this section shall be
deemed

(Chapter VII.—*Extinction and Prevention of Fire.*
—Sections 137-138. Chapter VIII.—*Control.*—
Sections 139-140.)

deemed to be damage by fire within the meaning of any policy of insurance against fire.

Powers sub-
ject to pre-
scribed regu-
lations, etc.

137. The powers conferred by section 136 shall be subject to such regulations, conditions and restrictions as may be prescribed.

Operation of
Chapter.

138. This Chapter shall not take effect in any municipality until it has been specially applied thereto by the Chief Commissioner at the request of the committee.

CHAPTER VIII.

CONTROL.

Control by
Commis-
sioner.

139. The Commissioner may—

- (a) enter upon and inspect or cause to be entered upon and inspected, any immovable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee ;
- (b) by order in writing, call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority ;
- (c) by order in writing, require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee as he may think fit to call for; and
- (d) record, for the consideration of any such committee or joint committee, any observations which he may think proper in regard to the proceedings or duties of the committee.

Power to
suspend
action under
Regulation.

140. (1) The Commissioner may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the

1907.]

Municipalities (Coorg).

(Chapter VIII.—Control.—Sections 141-142.)

the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order or the doing of the act is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(2) Where the Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Chief Commissioner, who may thereupon rescind the order, or direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

141. (1) In cases of emergency the Commissioner may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

Extraordinary powers of Commissioner in cases of emergency.

(2) Where the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

(3) The Commissioner shall forthwith report to the Chief Commissioner every case in which he uses the powers conferred on him by this section.

142. (1) Where at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law for the time being in force, the Chief Commissioner may, by order in writing, fix a period for the performance of that duty.

Powers of Chief Commissioner in case of default of committee.

(2) Where

(2) Where that duty is not performed within the period so fixed, the Chief Commissioner may appoint the Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as the Chief Commissioner may fix, to the Commissioner by the committee.

(3) Where the expense is not so paid, the Commissioner, with the previous sanction of the Chief Commissioner, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from the balance, in priority to any or all other charges against the same.

Power of
Chief Com-
missioner to
supersede
committee in
case of in-
competency,
persistent de-
fault or abuse
of powers.

143. (1) Where at any time it appears to the Chief Commissioner that a committee is not competent to perform, or persistently makes default in the performance of, its duties under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous sanction of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) Where a committee is so superseded, the following consequences shall ensue, namely:—

(a) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(b) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner appoints in that behalf;

(c) all property vested in the committee shall, during the period of supersession, vest in His Majesty.

(3) On the expiration of the period of supersession specified

[REG. II

143.)

within the
y appoint
irect that
ithin such
the Com-

the Com-
the Chief
ecting the
ce of the
ch thereof
balance, in
the same.
ars to the
competent
in the per-
on or any
exceeds or
may, with
al in Coun-
for making
ommittee to
xceeded or
l supersede

seded, the
:-
ll, as from
ir offices as

nittee may,
on, be exer-
person or
er appoints

nittee shall,
on, vest in

supersession
specified

1907.]

Municipalities (Coorg).

(Chapter VIII.—Control.—Section 144.)

specified in the order, the committee shall be reconstituted and the persons who vacated their offices under sub-section (2), clause (a), shall not be deemed disqualified for being members.

144. (1) The Chief Commissioner may frame forms for any proceedings of a committee for which he considers that forms should be provided, and may make rules, consistent with this Regulation, to carry out the purposes and objects thereof for the guidance of committees and public officers generally.

Power of
Chief Com-
missioner to
frame forms
and make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may make provision—

- (a) for the collection of taxes imposed under this Regulation;
- (b) as to the election or appointment and the term of office of presidents, vice-presidents and members of committees;
- (c) as to the division of municipalities into wards, or of the inhabitants into classes, or both, the number of representatives to be appointed for each ward or class and the manner of their appointment; and as to the qualification of electors and of candidates for election;
- (d) as to the registration of electors, the nomination of candidates, the time of election, the mode of recording votes, and generally for regulating all matters connected with the system of representation and election;
- (e) as to the appointment, promotion, suspension, reduction, punishment and dismissal of the servants of committees;
- (f) as to the intermediate office or offices (if any) through which correspondence between committees and the Chief Commissioner or its officers and representations addressed under this Regulation to the Chief Commissioner are to pass;

(g) as

Municipalities (Coorg). [REG. II
(Chapter VIII.—Control.—Section 145. Chapter
IX.—Supplemental.—Section 146.)

- (g) as to the accounts to be kept by committees, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (h) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned, and as to the sanction (if any) to be required before committees incur any expenditure ;
- (i) as to the fees to be levied on processes issued by Magistrates under section 43 ;
- (j) as to the language in which the proceedings and correspondence of committees are to be conducted and recorded, and as to the returns, statements and reports to be submitted by committees ;
- (k) as to the powers to be exercised by members of a fire-brigade and others on the occasion of a fire in a municipality ; and
- (l) for the regulation of proceedings of persons empowered to accept composition for offences committed or alleged to have been committed against this Regulation or any rules or by-laws made thereunder.

General
powers of
Chief Com-
missioner.

145. In all matters connected with this Regulation the Chief Commissioner shall have and exercise over the Commissioner the same authority and control as he has and exercises over him in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Notices.

Authenti-
cation,

146. (1) Every notice issued by a committee under

[REG. II

45. Chapter
146.)

committees,
ich accounts
ed, and as to
respect of dis-

s of income
s, and as to
l the condi-
h estimates
the sanction
committees

cesses issued
43;

proceedings
ees are to be
d as to the
s to be sub-

by members
the occasion
d

s of persons
ion for offen-
ve been com-
or any rules

s Regulation
ercise over
l control as
general and

committee
under

1907.]

Municipalities (Coorg).

(Chapter IX.—Supplemental.—Section 147.)

under this Regulation shall be in writing and shall be sufficiently authenticated by the signature of the president, vice-president or secretary, and may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, where it cannot be so served, may be posted on some conspicuous part of his usual place of abode or business.

service and
validity of
notices.

(2) Where the usual place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) Where the usual place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) Where the usual place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Regulation shall be invalid for defect of form.

147. (1) Where any notice issued by a committee under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Execution
of acts
required to
be done by
any notice.

(2) Where it is provided that any such notice should be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(3) Where

(3) Where the terms of any such notice have not been complied with, the committee may, after not less than six hours' notice, cause the act to be done by its officers.

Mode of
giving notice
to owner
or occupier
of property.

148. Where any notice is under this Regulation to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, where there is no person on the property to whom the notice can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication
of public
notices.

149. Every public notice given by a committee under this Regulation shall be published by proclamation or in the prescribed manner.

Miscellaneous.

Recovery of
costs of
execution.

150. (1) Where the owner or occupier of property is required under this Regulation by the committee to execute any work and makes default in complying with the requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) Where the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier and in such case the occupier may deduct any sum paid by him under this sub-section from the rent due or from time to time accruing due from him to the owner of the property in respect of which the payment

7). [REG. II
ctions 148-150.)

1 notice have not
e may, after not
e act to be done

: this Regulation
er or occupier of
may be given or

se to some person
here there is no
whom the notice
ing it on some
roperty; or

a prepaid letter
e, and addressed
he "owner" or
ty (naming it) in
e is given, with-
option.

by a committee
hed by proclama-

upier of property
y the committee
ult in complying
tee executes the
cost of the work

s the owner, the
remedy, recover
m the occupier
educt any sum
om the rent due
om him to the
which the pay-
ment

1907.] *Municipalities (Coorg).*
(Chapter IX. — Supplemental. — Section 151.)

ment is made, or may otherwise recover such sum
from the owner.

(3) An occupier shall not be required to pay under
sub-section (2) any greater sum than the amount of
rent which is for the time being due from him to the
owner, or which, after demand for payment of the
money payable by him to the committee and notice
not to pay rent without first deducting the amount
so demanded, becomes payable by him to the owner,
unless he refuses on application duly made to him by
the committee truly to disclose the amount of his rent
and the name and address of the person to whom it is
payable; but the burden of proof that the sum so
demanded by the committee from the occupier exceeds
the rent which was due at the time of the demand, or
which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under
this section may be recovered either by suit, or, on
application to a Magistrate having jurisdiction within
the limits of the municipality, by distress and sale of
the moveable property of the person from whom the
money is recoverable, and, where it is payable by the
owner of property, it shall, until it is paid, be a charge
on the property.

(5) Nothing in any contract between an owner
and occupier shall affect any right conferred on an
occupier by this section.

151. (1) The committee may make compensation
out of the municipal fund to any person sustaining
any damage by reason of the exercise of any power
vested in the committee, its officers or servants, under
this Regulation, and shall, subject to the other pro-
visions of this Regulation, make such compensation
where the person sustaining the damage was not him-
self in default in the matter in respect of which the
power was exercised.

Compensa-
tion out of
municipal
fund.

(2) Where any dispute arises touching the amount
of any compensation which the committee is required
by this Regulation to pay for injury to any building

or

78

or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, sections 3, 8 to 34, 45 to 47, and 50 to 52, so far as they can be made applicable. I of 1894

Powers and duties of Police in respect of offences against Regulation, and assistance to municipal authorities.

152. (1) Every Police-officer employed within the limits of the municipality shall give immediate information to the committee of any offence committed against this Regulation or the rules or by-laws thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such Police-officer, and, in the absence of a Police-officer, any officer of the committee empowered in this behalf by the general or special order of the Chief Commissioner, may arrest any person committing in his view any offence punishable under sections 109 to 114,—

(a) where the name and address of the person are unknown to him, and

(b) where the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

Initiation of prosecutions.

153. (1) No Court shall take cognizance of an offence punishable only under this Regulation or a rule or by-law made thereunder except on the complaint of the Commissioner or of the committee or of some sub-committee or person authorized either generally or specially by the Commissioner or the committee in this behalf.

(2) For the purposes of this section, the committee may,

1907.]

Municipalities (Coorg).

(Chapter IX.—Supplemental.—Sections 154-155.)

may, except where otherwise expressly provided, authorize any sub-committee or person to prosecute either generally in regard to all offences against this Regulation and the rules or by-laws thereunder or specially in regard only to specified offences or offences of a specified class.

(3) Where the person authorized is president, vice-president, *ex officio* member, secretary, engineer or health officer of the committee, the authority may be given by virtue of office; but in the case of other persons the authority shall be personal.

(4) The authority shall in all cases be in writing and may at any time by resolution be cancelled by the committee.

154. The Chief Commissioner may empower any committee or its president, vice-president, secretary, health officer or engineer, or any member appointed by office, or any sub-committee, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Regulation or any rule or by-law made thereunder, a sum of money by way of composition for such offence.

Power to compound offences.

(2) On payment of such sum of money the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Regulation and the rules and by-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Chief Commissioner.

155. It shall be competent to the Commissioner to revise any order made by a committee under the powers vested in it by section 69, 80, 81, 82, 84, 90 or

Commissioner's power to revise certain orders of committee.

94; and

1,

of 18

Municipalities (Coorg). [REG. II
(Chapter IX.—Supplemental.—Sections 156-159.)

94; and no such order shall be liable to be called in question otherwise:

Provided that the order questioned shall not be set aside or modified until the committee have had a reasonable opportunity of being heard.

No appeal to lie against any order unless expressly provided for in the Regulation and all orders made in appeal to be final.

156. An appeal shall not lie against any order made under this Regulation except where express provision has been made in the Regulation for appeal from such order; and every order made in appeal under this Regulation shall be final.

Suspension of proceedings and prosecutions when the revision of certain orders is under contemplation.

157. Where any such order as is specified in section 69, 80, 81, 82, 84, 90 or 94 is subject to revision and revision proceedings have been instituted, all proceedings to enforce such order and all prosecutions for any breach thereof may, by order of the revisional authority, be suspended pending the result of the revision, and, where such order is set aside on the revision, disobedience thereto shall not be deemed to be an offence.

Procedure for making rules or by-laws.

158. The power to make rules or by-laws under section 96, 99 or 144 is subject to the condition of the rules or by-laws being made after previous publication.

Power to make rules regulating conservancy of reservoir and catchment area.

159. (1) Where the supply of water in a municipality is derived from a reservoir situate beyond the limits of the municipality, the Chief Commissioner may make rules—

- (a) prohibiting the doing in the reservoir, or in its vicinity or in or upon the catchment area thereof, any act by which the quantity or purity of the water or the safety of the reservoir may be impaired;
- (b) regulating generally the conservancy of the reservoir and of the catchment area; and
- (c) determining the compensation, if any, to be paid by the committee to any person affected by a rule made under clause (a) or clause (b).

(2) The

org). [REG. II.
Sections 156-159.)

able to be called in

ned shall not be set
nittee have had a
ard.

against any order
ept where express
gulation for appeal
r made in appeal
l.

specified in section
et to revision and
tuted, all proceed-
osecutions for any
visional authority,
the revision, and,
the revision, dis-
d to be an offence.
or by-laws under
e condition of the
previous publica-

ater in a municipi-
situate beyond the
ief Commissioner

eservoir, or in its
catchment area
h the quantity or
the safety of the
;

servancy of the
ent area; and
n, if any, to be
y person affected
(a) or clause (b).

(2) The

1907.]

Municipalities (Coorg).

(Chapter IX.—Supplemental.—Sections 160-162.)

(2) The Chief Commissioner may direct that the breach of any rule under sub-section (1) shall be punishable with fine which may extend to two hundred rupees.

160. Nothing in this Regulation shall affect the Saving of Act XI of 1879.
Local Authorities Loan Act, 1879.

161. On receiving information that a house within Brothels. the limits of a municipality is used as a brothel, or by disorderly persons of any description, in proximity to any school or college, or to the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the immediate neighbourhood of a cantonment, any Magistrate of the first class, having as such jurisdiction in the place where the house is situated, may summon the owner or tenant of the house and, on being satisfied that the house is so used, and that it is a source of annoyance or offence to the neighbours, or that it is in the immediate neighbourhood of a cantonment, may order the owner or tenant to discontinue such use of it; and, if the owner or tenant fails to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the Commissioner; or

(b) on the complaint of three or more inhabitants of the municipality resident in the immediate vicinity of the house to which the complaint refers.

(2) This section shall not take effect in any municipality until it has been specially applied thereto by the Chief Commissioner.

162. (1) Where the circumstances of any municipality are such that, in the opinion of the Chief Commissioner, any of the provisions of this Regulation are unsuited thereto, the Chief Commissioner Power to except municipality from provisions of Regulation

may,

unsuited
thereto.

may, by notification in the local official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by a like notification.

(2) While the exception remains in force, the Chief Commissioner may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

CHAPTER X.

SMALL TOWNS.

Constitution
of notified
areas.

163. (1) The Chief Commissioner may, by notification in the local official Gazette, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 40, improved arrangements are required within a specified local area which, nevertheless, it is not expedient to constitute as a municipality.

(2) A local area in regard to which a notification has been issued under sub-section (1) is hereafter called a "notified area".

(3) No local area shall be made a notified area if—

- (a) it contains more than ten thousand inhabitants according to the returns of the most recent official census, or
- (b) it includes merely an agricultural village or villages, and does not contain a town or bazar.

Power for
Chief Com-
missioner to
impose taxa-
tion and
regulate ex-
penditure of
proceeds
thereof.

164. (1) The Chief Commissioner may—

- (a) impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality;
- (b) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under

[REG. II

ion 162. Chap-
163-164.)

official Gazette,
eration of those
sions shall not
applied thereto

s in force, the
for the guidance
respect of the
f the said pro-

may, by noti-
declare that,
ers upon which
ler section 40,
within a speci-
not expedient

a notification
) is hereafter

notified area

usand inhabi-
s of the most

ral village or
in a town or

ay—

y tax which
ie committee
nicipality;

area, for the
y tax imposed
under

1907.]

Municipalities (Coorg).

(Chapter X.—*Small Towns.*—Sections 165-166.
Chapter XI.—*Repeals.*—Section 167.)

under clause (a), any of the provisions of
this Regulation, or of any rules for the
time being in force with respect to the
assessment and recovery of any tax imposed
under this Regulation;

(c) arrange for the due expenditure of the pro-
ceeds of taxes imposed under clause (a)
and for the preparation and maintenance
of proper accounts;

(d) appoint a committee of one or more persons
for the purposes of clauses (b) and (c); and

(e) extend to any notified area the provisions of
any section of this Regulation subject to
such restrictions and modifications (if any)
as the Chief Commissioner may think fit.

(2) The proceeds of any tax levied in any notified
area under this section shall be expended only in some
manner in which the municipal fund of such notified
area might be expended if the notified area were a
municipality.

165. Where any section of this Regulation is for
the time being extended to a notified area, the com-
mittee appointed for such notified area under sec-
tion 164 shall be deemed to be a committee, and the
notified area a municipality, within the meaning of
the section so extended.

Application
of Regula-
tion to noti-
fied areas.

166. Where the Chief Commissioner cancels a
notification published under section 163, the unex-
pended proceeds of any taxes levied in the local area
to which the notification refers under section 164,
shall be applied for the benefit of the inhabitants of
such area in such manner as the Chief Commissioner
may think fit.

Effect of
cancellation
of notification
issued under
section 163.

CHAPTER XI.

REPEALS.

167. (1) The North-Western Provinces and Oudh Repeals.
Municipalities

Municipalities (Coorg). [REG. II, 1907.]
(Chapter XI.—Repeals.—Section 167.)

Municipalities Act, 1873, as extended to Coorg, is XV of 1873 hereby repealed.

(2) But all municipalities declared, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits instituted under the said Act, or under any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively declared, established, defined, made, issued, imposed, entered into and instituted under this Regulation.

I of 1886.

I of 1886.

III of 1872.

EG. II, 1907.]

167.)

to Coorg, is XV of 187

, committees
rules, orders
otices issued,
ered into and
r under any
as may be,
lared, estab-
ered into and

Rep. Act 1 of 1938

REGULATION NO. III OF 1907.

A Regulation to amend the Sonthal Parganas Rent Regulation, 1886.

[Received the assent of the Governor General on the 24th July, 1907; published in the Gazette of India on the 27th July, 1907; and in the Calcutta Gazette on the 14th August, 1907.]

I of 1886.

WHEREAS it is expedient to amend the Sonthal Parganas Rent Regulation, 1886, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Regulation may be called the Sonthal Parganas Rent (Amendment) Regulation, 1907. Short title.

I of 1886.

2. After section 19 of the Sonthal Parganas Rent Regulation, 1886, the following shall be inserted, namely:— Addition of new sections after section 19, Regulation II, 1886.

III of 1872.

“19A. Notwithstanding anything contained in section 6 or section 18, the zamindar or other proprietor of a village may at any time apply to the Deputy Commissioner for the enhancement of the rent of the village or of any holding situate therein, on the ground that since such rent was adjusted and recorded by the Settlement-officer under the Sonthal Parganas Settlement Regulation, or since a table of rates and rent-roll were published under section 17 the productive powers of the land in such village or holding have been increased by an improvement effected by, or at the expense of, the zamindar or other proprietor: Application for enhancement of rent of village on ground of proprietor's improvement.

Provided that in case of villages which are in the lease or management of a manjhi or headman, the zamindar or other proprietor has obtained the consent of the Deputy Commissioner prior to effecting the improvement, and that the improvement is of so substantial a nature as beneficially to effect a considerable proportion of the lands in the village.

Explanation.

[Price One anna and Nine pies.]

Explanation.—The provision of security against failure of crops from drought or inundation shall be deemed to be equivalent to an increase in the productive powers of the land for the purposes of this section.

Procedure on such application and order of enhancement.

"19B. (1) If after enquiry the Deputy Commissioner finds that the productive powers of the land have actually been so increased in a permanent manner, the Deputy Commissioner may, by order in writing, enhance the rent which has been declared by the Settlement-officer to be payable, or which is entered in the rent-roll, as the case may be :

Provided that, where the Deputy Commissioner considers that the immediate enforcement of the full enhancement adjudged is likely to be attended with hardship, he may direct that the enhancement shall be gradual ; that is to say, that the rent shall increase yearly by degrees, for any number of years not exceeding five, until the limit of the full enhancement adjudged has been reached.

(2) Where the Deputy Commissioner enhances rent under the provisions of sub-section (1), he shall, in his order, declare the date from which such enhancement shall take effect.

Rules determining amount of enhancement.

"19C. In determining the amount of enhancement the Deputy Commissioner shall have regard to—

- (a) the increase in the productive powers of the land caused by the improvement ;
- (b) the cost of the improvement ;
- (c) the existing rent and the ability of the land to bear a higher rent ; and
- (d) the expense which the raiyat has to incur in order to be able to utilize the improvement.

Disposal of applications under section 19A during settlement-proceedings.

"19D. Any application under section 19A, for the enhancement of the rent of a village or of any holding situate therein, which is made to or pending before the Deputy Commissioner while a settlement is being made of such village under the Sonthal Parganas

was). [REG. III

security against
undation shall be
crease in the pro-
poses of this

Deputy Commis-
sioners of the land
in permanent manner,
order in writing,
declared by the
which is entered

by Commissioner
ment of the full
be attended with
enhancement shall
ment shall increase
years not exceed-
enhancement ad-

sioner enhances
ion (1), he shall,
om which such

ment of enhance-
have regard to—
powers of the
ment;

y of the land to

as to incur in
the improve-

section 19A, for
illage or of any
to or pending
ile a settlement
er the Sonthal
Parganas

1907.] *Rent (Sonthal Parganas).*

II of 1872. Parganas Settlement Regulation, shall be transferred
by him to the Settlement-officer for disposal.

III of 1872. "19E. Where rent has been enhanced under
section 19B, on the ground of an improvement, no
further enhancement shall be granted in respect of
the same improvement until there is a re-settlement
of the village under the Sonthal Parganas Settlement
Regulation, or until a fresh table of rates and rent-
roll are published under section 17 :

Provided that any person by whom such rent is
payable may at any time apply to the Deputy Commis-
sioner to have the enhancement reduced or annulled
on the ground that the improvement has not produced,
or has ceased to produce, the estimated effect.

"19F. Where a raiyat, having entered into an
agreement with the zamindar or other proprietor of a
village to contribute towards the cost of an improve-
ment the share thereof which is fairly debitable to
his holding, has paid the amount of such share to the
zamindar or other proprietor, the rent of his holding
shall not be enhanced under the provisions of section
19B in respect of the said improvement."

II of 1886.

3. After section 25 of the Sonthal Parganas Rent
Regulation, 1886, the following shall be inserted,
namely :—

" *Acquisition of land for buildings and other pur-
poses.*

" 25A. (1) The zamindar or other proprietor of a
village, who is desirous of acquiring the holding or
part of the holding of any raiyat in such village, or
any land over which the inhabitants of such village
have any common right, for any reasonable purpose
having relation to the good of the holding, village
or estate, or for the erection of buildings or for any
religious, educational or charitable purpose, may apply
to the Deputy Commissioner for authority to acquire
the same.

(2) On being satisfied that the purpose stated in
the application made under sub-section (1) is reason-

able

Duration
of enhance-
ment.

Saving
where raiyat
contributes
towards cost
of improve-
ment.

Addition
of new
heading and
section after
section 25,
Regulation
II, 1886.

Acquisition
of land by
proprietor of
village for
buildings
and other
purposes.

Rent (Sonthal Parganas). [REG. III, 1907.]

able and sufficient, and that the objections, if any, taken to the application are such that they may fairly be disregarded, the Deputy Commissioner may authorize the applicant to take possession of the land on such terms and on payment to the raiyat or other persons interested (if any) of such compensation as he thinks fair and reasonable."

I of 12

I of 12

[REG. III, 1907.]

objections, if any,
h that they may
Commissioner may
session of the land
he raiyat or other
h compensation as

Rep. Act 191538

REGULATION NO. IV OF 1907.

A Regulation further to amend the Coorg Land and Revenue Regulation, 1899.

[Received the assent of the Governor General on the 27th July, 1907; published in the Gazette of India on the 3rd August, 1907; and in the Coorg District Gazette on the 2nd September, 1907.]

I of 1899.

WHEREAS it is expedient further to amend the Coorg Land and Revenue Regulation, 1899; It is hereby enacted as follows:—

1. This Regulation may be called the Coorg Land and Revenue (Amendment) Regulation, 1907.

Short title
and com-
mencement.

I of 1899.

2. In section 143 of the Coorg Land and Revenue Regulation, 1899, the following amendments shall be made, namely:—

Amendments
of section
143 (1) (e)
of Regula-
tion I of
1899.

(1) For clause (e) of sub-section (1) the following clauses shall be substituted, namely:—

(e) permitting and regulating the partition of interests in land, carrying out such partition and giving any directions consequent thereon, in cases in which the cognizance of the Civil Courts is barred by clause (xv) of section 145;

(ee) providing for the execution of decrees of the Civil Courts for the partition of interests in agricultural land by Revenue-officers and prescribing the procedure to be observed in the execution of such decrees; and

(2) In sub-section (2), after the word and parenthesis "clause (e)" the word and parenthesis "or (ee)" shall be inserted.

3. For clause (xv) of section 145 of the said Regulation the following shall be substituted, namely:—

Amendment
of section
145 (xv) of
Regulation I
of 1899.

(xv) any claim for the partition of an estate or holding, or any question as to the allotment

[Price one anna and three pies.]

Land and Revenue (Coorg). [REG. IV, 1907.]

of land, when such estate, holding or land is one of which the land-revenue has been wholly or partly assigned or released, or which is held as joint family property by persons of the Coorg race, or any claim for the distribution of land-revenue on partition or any other question connected therewith, not being a question as to the partibility of, or the title to, the property of which partition is sought."

II of 1877.

II of 1877.

REG. IV, 1907.

holding or
l-revenue has
d or released,
aily property
or any claim
-revenue on
on connected
on as to the
the property

Rep. Act 191538

REGULATION NO. V OF 1907.

A Regulation further to amend the Ajmer
Land and Revenue Regulation, 1877.

*[Received the assent of the Governor General on the 21st
August, 1907; and published in the Gazette of India on
the 24th August, 1907.]*

II of 1877.

WHEREAS it is expedient further to amend the
Ajmer Land and Revenue Regulation, 1877; It
is hereby enacted as follows:—

1. This Regulation may be called the Ajmer Land and Revenue (Amendment) Regulation, 1907. Short title.

II of 1877.

2. For section 3 of the Ajmer Land and Revenue
Regulation, 1877, the following shall be substituted,
namely:—

Substitution
of new sec-
tion 3, Regu-
lation II
of 1877.

3. (1) Except in the case of lands in respect of
which istimrari sanads have been granted by the
Chief Commissioner with the previous sanction of
the Governor General in Council, the Government
shall be presumed, until the contrary is proved—

Rights of
Government
in regard
to mines
and quarries.

(a) to be the sole owner of all mines, opened
and unopened, of metal, coal and other
valuable minerals;

(b) to be entitled to take free, or authorize
persons who have entered into any con-
tract with it to take free, from any quarry,
whether previously worked or not, as much
stone, kankar, gravel, sand or other like
substance as is needed for any public
purpose.

(2) In the case of any land wherein any right to
minerals is reserved to or otherwise belongs to Gov-
ernment, the Government shall have all powers

necessary

[Price one anna three pies.]

Land and Revenue (Ajmer). [REG. V, 1907.]

necessary for the proper enjoyment of such right, and may transfer any such right or power to any persons in such manner as to it may seem fit.

(3) Whenever in the exercise of any such right or power by the Government, or by any person to whom the Government may have transferred such right or power, the rights of any owner or occupier of any such land are infringed by the occupation or disturbance of the surface of such land, the Government shall pay or cause to be paid to such owner or occupier such amount of compensation for any damage so caused as may be determined by the Revenue-officer.

(4) Nothing herein contained shall affect the concession made in respect of mines and quarries in State-forests by section 6 of the Ajmer Forest Regulation, 1874.)

VI of 1874.

III of 18

III of 18

I of 18

REG. V, 1907.]

f such right,
power to any
m fit.

ny such right
any person to
sferred such
r or occupier
ccupation or
the Govern-
such owner
tion for any
ned by the

affect the
and quarries
jmer Forest

VI of 1874.

REGULATION No. VI OF 1907.

A Regulation further to amend the Upper
Burma Land and Revenue Regulation, 1889.

[Received the assent of the Governor General on the 16th
September, 1907; published in the Gazette of India on the
21st September, 1907; and the Burma Gazette on the
19th October, 1907.]

III of 1889. WHEREAS it is expedient further to amend the
Upper Burma Land and Revenue Regulation,
1889; It is hereby enacted as follows:—

1. This Regulation may be called the Upper Short title.
Burma Land and Revenue (Amendment) Regulation,
1907.

III of 1889. 2. (1) To sub-section (1) of section 31 of the Amendment
Upper Burma Land and Revenue Regulation, 1889, of section
the following shall be added, namely:— 31, Regula-
tion III,
1889.

“and may dispose of any such right and powers
to any person in such manner as to it may seem fit.”

(2) For sub-sections (2), (3) and (4) of the said
section the following shall be substituted, namely:—

“(2) Whenever in the exercise of any such right
and powers by the Government, or by any person to
whom the Government may have disposed of such
right and powers, the rights of any owner or occupier
of any such land are infringed by the occupation or
disturbance of the surface of such land, the Govern-
ment shall pay, or cause to be paid, to such owner or
occupier compensation for the infringement.

I of 1894. The compensation shall be determined, as nearly
as may be, in accordance with the provisions of the
Land Acquisition Act, 1894.

“(3) The Local Government may make rules—

(a) for regulating or prohibiting the mining,
quarrying or digging for, or the excavating
or collecting of, minerals on land wherein

the

[Price one anna and three pies.]

Land and Revenue (Upper Burma). [REG. VI, 1907.]

- the right to minerals is deemed to belong to the Government;
- (b) for the disposal by way of lease, license or otherwise of such right of the Government, and fixing the conditions subject to which and the mode in which such dispositions may be made;
- (c) for the levy and collection of royalties and fees in respect of minerals mined, quarried, excavated or collected on any such land; and
- (d) for regulating and controlling the transport and export of minerals."

III of 1877.

II I of 1877.

EG. VI, 1907.]

ed to belong

se, license or
Government,
ect to which
dispositions

royalties and
ed, quarried,
such land;

he transport

Ref. Reg. 5 of 1926

REGULATION No. VII OF 1907.

A Regulation further to amend the Ajmer Courts Regulation, 1877.

[Received the assent of the Governor General on the 5th November, 1907 ; and published in the Gazette of India on the 9th idem.]

III of 1877.

WHEREAS it is expedient further to amend the Ajmer Courts Regulation, 1877; It is hereby enacted as follows:—

1. This Regulation may be called the Ajmer Courts (Amendment) Regulation, 1907. Short title.

II I of 1877.

2. After section 4 of the Ajmer Courts Regulation, 1877, the following section, shall be added, namely:— Addition of new section after section 4, Regulation I, 1877.

“4A. The Chief Commissioner, with the previous sanction of the Governor General in Council, may from time to time appoint an Additional Commissioner who shall have all the powers of the Commissioner under this Regulation.” Appointment of an Additional Commissioner.

[Price one anna.]

Government of India, Central Printing Office—No. 647.—14-2-1908.—500—A. E. J.