

THE MUNICIPAL ACT (1898)

[Repealed by the Development Committees Law 1993]

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THE MUNICIPAL ACT

Burma Act III, 1898
1 July 1898]

CHAPTER I PRELIMINARY

1. [...]

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

(1) “bakery” means any place in which are baked or cooked bread, biscuits or confectionery for the purposes of sale or profit;

(2) “building” includes a house, hut, shed or other roofed structure for whatsoever purpose and of whatsoever material constructed, and every part thereof, but shall not include a tent or other portable and merely temporary shelter;

(3) “building line” means a line to which the main wall of a building abutting on a street may lawfully extend;

(4) “Commissioner” means the Commissioner of the division in which a municipality or notified area is situated;

(5) “Committee” means the committee constituted by or under this Act for a municipality or notified area;

(6) “dangerous disease” means cholera, plague, small-pox or any other disease which the President of the Union may, by notification, declare to be a dangerous disease;

(7) “Deputy Commissioner” means the Deputy Commissioner or the district in which a municipality or notified area is situated;

(8) “drain” includes a pipe, ditch, channel or any other device for carrying off liquid which is not sewage;

(9) “factory” means a factory as defined in sub-section (3) of section 2 of the Factories Act;

(10) “inhabitant” of an area includes any person ordinarily residing or carrying on business, [...] [The words “or owning or occupying immovable property” were deleted by Act LII, 1950] in such area;

(11) “keeper” of a lodging-house means the person in charge of a lodging-house;

(12) “to keep a lodging-house” means to be in charge of a lodging house;

(13) “lodging-house” includes -

(a) a common lodging-house, meaning a building or part of a building in which a common sleeping room is kept for occupation by more than two persons not being members of the same family; and

(b) an apartment house, meaning a building or part of a building which is let in lodgings or occupied to any extent in common by members of more than one family:

Provided that nothing in this definition shall be deemed to include the dormitory of any school or college which the President of the Union may, by general or special order, declare to be subject to inspection by a medical officer of Government, or any jail, hospital, monastery or similar institution, or a hotel or boarding house where the daily charge for board and residence is not less than one rupee per head.

(14) “market” includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, livestock or any other article of food;

(15) “municipal market” means any market vested in or belonging to a committee;

(16) “municipality” means a local area declared under Chapter II to be a municipality;

(17) “municipal slaughter house” means a slaughter-house vested in or belonging to or managed by a committee;

(18) “notified area” means an area in respect of which the President of the Union has issued a declaration under section 246;

(19) “offensive matter” includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in “sewage”;

(20) “owner” includes the person who for the time being receives the rent of any building or land, 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, but does not include the Government;

[Substituted by Act XL, 1950] (21) “pauper affected with leprosy” means a person suffering from leprosy as defined in section 2, sub-section (2) of the Leprosy Act;

(22) “prescribed” means prescribed by this Act or by any rule or bye-law under this Act;

(23) “private market” means any market other than a municipal market;

(24) “reclamation” means the alteration by any means, including the use of materials of any description, of the level of land in order that the effective drainage of such land may become practicable;

(25) “rubbish” includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not “offensive matter” or “sewage”;

(26) “sanitary work” or “sanitary project” includes any work or project or class of work or project which the President of the Union may, by notification, declare to be a sanitary work or project;

(27) “sewage” includes night-soil and other proper contents of water closets, latrines, urinals, privies and cess pools, and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places;

(28) “sewer” includes a pipe, ditch or channel, or any other device for carrying off sewage;

(29) “sewerage-connection” includes:

(a) any sewer between any water-closet, latrine, urinal, privy, bathroom, kitchen, sink, sullage-tray, manhole or trap on the one hand, and any sewer vested in or belonging to a committee on the other hand; and

(b) any cistern, flush-tank, land, building, machinery, work or thing constructed or used for collecting and passing any sewage into any sewer vested in or belonging to a committee;

(30) (a) “street” includes any highway and any cause-way, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access, and also the surface-soil, sub-soil, footway and drains of any street, and anything planted in such soil;

(b) “public street” means any street wholly or partially maintained by the committee, and any street declared by the committee to be a public street under the provisions of section 114 or otherwise;

(c) “private street” means any street, other than a public street, but does not include a street maintained by Government;

(31) “street alignment” means a line dividing the land included in a street from the adjoining land;

(32) “water-connection” includes:

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe vested in or belonging to the committee; and

(b) the water-pipe connecting such tank, cistern, hydrant, standpipe, meter or tap with such water-main or pipe;

(33) “water-work” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water;

(34) “water for domestic purposes” shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, or water for any trade, manufacture or business, or building purposes, or for watering gardens, or for fountains or for any ornamental purposes;

(35) the expression “erect or re-erect any building” with its grammatical variations and cognate expressions includes:

(a) any material alteration or enlargement of any building;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion of one or more places of human habitation into a greater or smaller number of such places;

(d) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its security;

(e) the addition of any rooms, buildings, outhouses or other structures to a building; and

(f) the re-construction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building.

CHAPTER II

CONSTITUTION OF MUNICIPALITIES

3. (1) The President of the Union may, by notification 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 Act;

(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 Act.

(2) Every notification under this section shall define the limits of the local area proposed to be affected thereby, and may include within the limits of any municipality or proposed municipality any railway station, village, building or land in the vicinity thereof.

4. (1) Any inhabitant of any part of a local area defined in a notification published under section 3 and proposed to be affected thereby may, if he objects to anything therein contained, submit his objection in writing to the President of the Union within six weeks from the date of the publication of such notification, and the President of the Union shall take his objection into consideration;

(2) When six weeks from the date of the publication of such notification have expired, the President of the Union may, by a further notification:

(a) declare the local area or any specified part thereof to be a municipality under this Act, 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 Act, as the case may be.

5. [...]

6. (1) When a local area is included in a municipality under section 4, all rules and bye-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 President of the Union shall, in and by the notification directing such inclusion, otherwise direct.

(2) When a local area is excluded from a municipality under section 4:

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

(b) the President of the Union 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 the State for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government; and, on the publication of such scheme in the Gazette, such property and liabilities shall vest and be apportioned accordingly.

(3) When the whole area comprised in any municipality is withdrawn from the operation of this Act under section 4, this Act and all rules and bye-laws made, orders, directions or

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 [the State] [Substituted for the words “His Majesty” by the Union of Burma (Adaptation of Laws) Order, 1948], and the liabilities of the committee shall be transferred to the Government.

(4) All property vested in [the State] [Substituted for the words “His Majesty” by the Union of Burma (Adaptation of Laws) Order, 1948] under this section shall be applied, under the orders of the President of the Union, to the discharge of the liabilities imposed on the Government thereby, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the area affected.

CHAPTER III ORGANIZATION OF MUNICIPAL COMMITTEES

Constitution of Committees.

27. There shall be constituted for each municipality under this Act a committee having authority thereover and consisting of so many inhabitants of the municipality as may be determined by the President of the Union, elected in manner next hereinafter prescribed to represent wards of the municipality.

8. [Substituted by Act LII, 1950] (1) The President of the Union shall. make rules regulating the following matters, namely:

[Substituted by Act LII, 1950](a) the division of the municipality into wards;

[Substituted by Act LII, 1950](b) the number of representatives proper for each ward;

(c) the qualifications of electors and of candidates for election;

(d) the registration of electors;

(e) the nomination of candidates, the time of election and the mode of recording votes; and

(f) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The President of the Union may, after the committee has come into existence as hereinafter provided, amend, after consulting such committee, the rules under this section.

(3) The members of the committee shall be elected in accordance with the rules under this section for the time being in force.

9. [...]

[Substituted by Act LII, 1950] (2) The term of office of all the members of the committee shall be fixed by the President of the Union by rules, but shall not exceed three years.

(3) The term of office of members shall commence:

(a) in the case of a member elected at a general election of members, on the first day of January following the election [Added by Act LII, 1950] [or on such other date as the President of the Union may, by notification, appoint in this behalf; and]

(b) in the case of a member elected to till a casual vacancy, on the date of the meeting of the committee next following his election.

[Deleted by Act LII, 1950] (c) [...]

(4) An outgoing member may, if otherwise qualified, be re-elected [...] [Deleted by Act LII, 1950]

10. (1) Any member of the committee who may wish to resign shall forward his resignation in writing, through the Chairman of the committee, to the Deputy Commissioner for submission to the Commissioner.

(2) When the acceptance of such resignation by the Commissioner has been communicated to the committee, such member shall be deemed to have vacated his office as such.

11. (1) The President of the Union may remove any member of the committee:

(a) if he ceases to be an inhabitant of the municipality;

(b) if he refuses to act or becomes, in the opinion of the President of the Union, incapable of acting;

(c) if he is declared a bankrupt or an insolvent;

(d) if he is convicted of any such offence or subjected by a criminal Court to any such order as renders him, in the opinion of the President of the Union, unfit to continue to be a member;

(e) if he is declared by the President of the Union disqualified for employment in, or is dismissed from, the public service;

(f) if he attends none of the meetings of the committee held during the space of three consecutive months;

(g) if his continuance in office is, in the opinion of the President of the Union, dangerous to the public peace or order; or

(h) if he is a salaried officer of the Government of the Union of Burma or of any State or of any local authority, established by law.

(2) A person removed under this section on any ground other than those mentioned in clauses (u) and (f) shall be disqualified for election unless and until the President of the Union shall otherwise direct.

12. (1) When the place of [a member] [Substituted by Act LII, 1950] of the committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected, in manner prescribed under section 8, to fill the place so vacated.

[Deleted by Act LII, 1950] (2) [...]

(3) A person elected [...] [Deleted by Act LII, 1950] under this section to fill a casual vacancy shall hold office until the person whose place he tills would in the ordinary course have vacated office, and shall then vacate office, but may, if otherwise qualified, be re-elected [...] [Deleted by Act LII, 1950].

[Deleted by Act LII, 1950] (4) [...]

Every committee shall be a body corporate by the name of "The Municipal Committee of", and shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and 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:

Provided that no committee shall transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the President of the Union.

14. The committee shall come into existence at such time as the President of the Union may, by notification, appoint in this behalf.

15. [...]

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

Chairman and Vice Chairman [In this Act the expressions "Chairman" and Vice Chairman" were substituted for the expressions "President" and "Vice President" by the Union of Burma (Adaptation of Laws) Order, 1948].

17. (1) The committee shall from time to time elect one of its members to be Chairman, and may from time to time elect another of its members to be Vice-Chairman.

[...]

18. [Substituted by Act LII, 1950](1) Except as provided in section 19, sub-section (3), every Chairman and every Vice-Chairman shall hold office for such term not exceeding three years as the President of the Union may by rule fix.

(2) Whenever the Chairman or Vice-Chairman ceases to be a member of the committee or tenders in writing to the committee his resignation of his office, he shall vacate his office, and any Chairman or Vice-Chairman may be removed from office by the President of the Union in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported as soon as may be to the Commissioner.

19. (1) Upon the occurrence of any vacancy in the office of Chairman or Vice-Chairman during the term fixed under section 18, a new Chairman or Vice-Chairman shall be elected [...] [Deleted by Act LII, 1950] in manner provided by section 17.

(2) Upon the expiration of the term of office fixed under section 18 for the Chairman or Vice-Chairman, a new Chairman shall, and a new Vice-Chairman may, be elected [...] [Deleted by Act LII, 1950] in manner provided by section 17.

(3) A person elected [...] [Deleted by Act LII, 1950] under sub-section (1) to fill a casual vacancy shall hold office until the person whose place he fills would in the ordinary course have vacated office, and shall then vacate office.

(4) An outgoing Chairman or Vice-Chairman may, if otherwise qualified, be re-elected [...] [Deleted by Act LII, 1950].

20. (1) Where it appears that the continuance in office of a Chairman or Vice-Chairman elected [...] [Deleted by Act LII, 1950] under section 17, or of a member of a municipal committee or of a school or hospital sub-committee is contrary to the public interest, the President of the Union may, after giving the Chairman, the Vice-Chairman or the member concerned an opportunity to show cause against the holding of an enquiry, subject to the provisions of any rules that may be made in this behalf, appoint a Committee of Enquiry with an officer not below the rank of Commissioner as Chairman, and two members, one being a member of the municipal committee or of the [...] [Deleted by Act LII, 1950] hospital sub- committee concerned and the other being an elector on the electoral roll of the municipality who is not in the whole-time employment of Government, to enquire into all the circumstances of the case.

(2) When the President of the Union appoints a Committee of Enquiry under sub-section (1) to deal with the case of a Chairman or Vice-Chairman, the Chairman or Vice-Chairman concerned shall cease to exercise the functions of his office and the President of the Union may appoint any member of the municipal committee concerned to exercise them in his stead. When the President of the Union appoints a Committee of Enquiry under sub-

section (1) in respect of the continuance in office of a member of a municipal committee or of a [...] [Deleted by Act LII, 1950] hospital sub-committee, he shall cease to act as such member.

(3) The Committee of Enquiry shall have power to take evidence on oath, and shall also have power to summon witnesses and to enforce the attendance of witnesses and to compel the production of documents, by the same means and so far as may be in the same manner as is provided in the case of a civil Court under the Code of Civil Procedure.

(4) On the conclusion of its enquiry, the Committee of Enquiry shall submit a report to the President of the Union, who may then, where the continuance in office of a Chairman or Vice-Chairman is concerned, order his reinstatement, or may declare him to be removed from his office, or to be removed both from his office and from membership of the municipal committee concerned and of any other local body of which he is a member; and where the continuance in office of a member of a municipal committee or [...] [Deleted by Act LII, 1950] hospital sub-committee is concerned, may either order his reinstatement as such member, or declare him to be removed from office and from membership of any other local body of which he is a member.

(5) Where a person has been removed from membership of a municipal committee or [...] [Deleted by Act LII, 1950] hospital sub-committee under the provisions of sub-section (4), he shall not, save as provided under sub-section (6), be eligible for five years from the date of the order of removal for election or appointment to any local body constituted under the provisions of this Act of the Rural Self-Government Act.

(6) The President of the Union may in special cases remove the disability imposed by sub-section (5).

(7) The proceedings of a Committee of Enquiry appointed under this section shall not, unless the President of the Union so directs, abate because the term of office of the Chairman or Vice-Chairman or member concerned has come to an end.

21. Notwithstanding anything in sections 9, 12, 18 and 19, an outgoing Chairman or Vice-Chairman may continue to exercise the powers conferred I on a Chairman or Vice-Chairman by this Act, or by any rule, bye-law, public notice, resolution or direction made thereunder, between the expiry of his term of office and the election [...] [Deleted by Act LII, 1950] of a new Chairman or Vice-Chairman.

Notification of Elections, Appointments and Removals.

22. (1) Every election of a Chairman or Vice-Chairman of the committee shall be subject to confirmation by the Commissioner, and shall, when so confirmed, be notified by him in the Gazette; but, unless and until disallowed by the Commissioner, every such election shall be valid and shall take effect from the date thereof.

[Deleted by Act LII, 1950]. (2) [...]

(3) Every election of a member or members of the committee shall be notified by the Commissioner in the Gazette.

(4) Every order removing a member from the committee shall be notified by the President of the Union in the Gazette, and shall be communicated to the person removed and to the committee of which he was a member, and shall take effect from the date on which the committee received such communication.

Conduct of Business.

23. (1) The committee shall meet for the transaction of business at least once in every month at such time as may be fixed by bye-law made under section 31.

(2) The Chairman, or, in his absence, the Vice-Chairman, 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 an ordinary or a special meeting at any other time:

Provided that, when the entire number of members does not exceed five, the concurrence of two of them in any such requisition shall be necessary.

24. (1) Every meeting of the committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules or bye-laws thereunder to be transacted at a special meeting.

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

Provided that when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting shall be such number, not less than three, as may be fixed by bye-law made under section 31:

Provided that, if at any ordinary or special meeting a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may think 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.

26. At every meeting of the committee, the Chairman, if present, shall preside. Should he be absent or his office vacant, the Vice-Chairman, if present, shall preside. Should both be

absent or be debarred under the proviso or their offices vacant, the members present shall elect one of their number to preside:

Provided that when the business to be transacted is the election of a Chairman or Vice-Chairman, no person who is a candidate for either office shall preside at the meeting.

27. (1) Every member of the committee shall be entitled to attend every meeting of the committee, to take part in the proceedings and to vote upon any matter before it, not being a matter:

(a) in which he is, either directly or indirectly, pecuniarily interested, or

(b) in regard to which his conduct is in any way in question.

(2) The Chairman of a meeting may, after such inquiry as he may think fit, require any member to absent himself from a meeting during the discussion of any matter.

(a) in which it is believed that he is, either directly or indirectly, pecuniarily interested, or

(b) in regard to which his conduct is in any way in question,

and any member refusing to comply with such requisition shall not be permitted to take part in the proceedings regarding such matter, nor shall his vow thereon be recorded.

27A. If any member present at the meeting has reason to believe that the Chairman of the meeting has a pecuniary interest in any matter under discussion, or desires to call in question the conduct of such Chairman in regard to any matter under discussion, he may move that such Chairman be required to absent himself from the meeting during such discussion, stating his reasons therefore. If the motion is carried and the Chairman refuses to comply with such requisition, he shall not be permitted to take part in the proceedings regarding such matter, nor shall his vote thereon be recorded.

28. (1) Except as otherwise provided by this Act or the rules or bye laws thereunder, every question coming before a meeting of the committee shall be decided by a majority of the votes of the members present and entitled to vote thereon.

(2) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

29. Every resolution passed by the committee at a meeting 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 open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in such manner as the President of the Union may direct.

[Substituted by Act LII, 1950] 30. The discussions and proceedings of the committee shall be conducted in Burmese and recorded in Burmese.

31. (1) The committee may, from time to time at a special meeting, make bye-laws consistent with this Act as to:

- (a) the time and place of its meetings;
- (b) the manner in which notice of its meetings is to be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meeting;
- (e) the exercise by the Chairman, by the Vice-Chairman, by sub-committees, by individual members or by officers or servants of the committee, of any powers conferred upon the committee by this or any other Act, or by the rules or bye-laws thereunder;
- (f) the persons by whom receipts may be granted on behalf of the committee for money paid to it;
- (g) [...] [Deleted by Act LII, 1950]
- (h) the appointment, duties, leave, suspension and removal of its officers and servants, and
- (i) other similar matters.

(2) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

Joint Committees.

32. The committee may, from time to time, concur with any other committee or cantonment, port or other local authority, or with more than one such committee or authority, in appointing, from 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 said committees 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 it is appointed.

Defects in Constitution and Irregularities.

33. Nothing done and no proceeding taken under this Act shall be questioned by reason only of any vacancy in the committee, or joint committee, or of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

34. (1) The committee shall, from time to time, at a special meeting, appoint one of its members, or, subject to the previous sanction of the Commissioner, any person to be its secretary, and may, at a like meeting and subject to the like sanction, remove any person so appointed.

(2) If the secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him such remuneration as it may think fit.

35. Subject to the provisions of this Act and to such rules as may be made by the President of the Union thereunder, the committee may appoint a Chief Executive Officer for the management of municipal business. Any such appointment shall be subject to the sanction of the President of the Union.

36. (1) In any municipality where there is a Chief Executive Officer appointed under section 35, such officer shall exercise such powers of the committee, Chairman or Vice-Chairman under this Act, or any rule or bye-law thereunder, as may be conferred on the said officer by the committee by bye-law.

(2) Save as provided in section 41, subsection (2), and in such rules as may be made by the President of the Union in this behalf, all other officers and servants of the committee shall be subordinate to the Chief Executive Officer.

(3) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

37. (1) With the sanction of the committee, a Chief Executive Officer may empower, by general or special order in writing, any officer or servant of the committee to exercise, under his control, any power conferred on him by or under this Act.

(2) An order by the Chief Executive Officer under sub-section (1) may prescribe any condition and impose any restriction in respect of the exercise of any such power.

(3) Any order passed by an officer or servant of the committee in the exercise of a power conferred on him under sub-section (1) may be revised by the Chief Executive Officer who shall report any such case to the committee.

38. The Chief Executive Officer shall have the right to attend all meetings of the committee and of any standing committee or sub-committee, and may, with the permission of the Chairman, or in virtue of a resolution passed in this behalf at a meeting of the committee or standing committee or sub-committee, make an explanation in regard to a subject under discussion, but shall not move, second or vote on, any resolution.

39. (1) Where the President of the Union decides that a municipal committee has made persistent default in the performance of the duties imposed upon it by or under this Act, or is exceeding or abusing its powers, the President of the Union may, in lieu of superseding the committee under the provisions of section 223 of this Act, require the committee to appoint a Chief Executive Officer in accordance with the rules made under this Act, within such period as he may prescribe in the requisition.

(2) If the committee fails to appoint a Chief Executive Officer within the period fixed in the requisition or, having appointed a person whose appointment is not approved by the President of the Union, fails within a further period to be fixed by the President of the Union to appoint an approved person, the President of the Union may.

(a) select and appoint a person to be Chief Executive Officer;

(b) fix the pay and allowances and general conditions of service of such Chief Executive Officer, and, if he is a Government officer, the conditions under which his services are lent to the municipal committee.

(3) Where a Chief Executive Officer is appointed under the provisions of sub-section (1) or sub-section (2), the President of the Union shall determine which powers, if any, of the committee, Chairman or Vice-Chairman under this Act or any rule or bye-law thereunder shall be exercised by the said Chief Executive Officer, in addition to, or to the exclusion of, their exercise by the said committee, Chairman or Vice-Chairman.

40. The committee may, at a meeting, appoint a Health Officer.

41. (1) It shall be the duty of the Health Officer:

(a) to act as adviser to the committee on all matters affecting the public health;

(b) to perform all duties imposed upon him by this Act and by any Act in force for the time being in the municipality or notified area;

(c) to enforce, so far as they relate to public health, the bye-laws of the committee and resolutions made by it in conformity with the law;

(d) on the occurrence of any outbreak of dangerous disease, to take immediately all lawful steps necessary for its suppression; and

(e) to submit such reports and returns as the President of the Union may from time to time direct in such form and to such person as he may direct.

(2) All Inspectors of Public Health, vaccinators and officers or servants of the council employed for conservancy or any purpose relating to public health shall be subordinate to the Health Officer.

42. (1) The President of the Union may, if in his opinion the appointment of a Health Officer is necessary in any municipality for the promotion of public health, require the committee to appoint a Health Officer.

(2) A requisition under sub-section (1) shall prescribe the period within which the committee shall comply therewith.

(3) If the committee fails to appoint a Health Officer within the prescribed period, the President of the Union may, if he thinks fit:

(a) select and appoint a person to be Health Officer, and

(b) fix his pay, allowances, rate of contribution to provident fund or pension and other conditions of service.

43. Every committee shall appoint one or more Inspectors of Public Health.

44. (1) If the committee fails to appoint an Inspector of Public Health, or if in the opinion of the President of the Union the number of Inspectors of Public Health in any municipality is insufficient for the promotion of the public health, the President of the Union may require the committee to appoint an Inspector of Public Health or such additional Inspectors of Public Health as he may think fit.

(2) A requisition under sub-section (1) shall prescribe the period within which the committee shall comply therewith.

(3) If the committee fails to appoint such Inspector or Inspectors of Public Health within the prescribed period, the President of the Union may:

(a) select and appoint a person or persons to be an Inspector or Inspectors of Public Health; and

(b) fix the pay, allowances, rate of contribution to provident fund or pension and other conditions of service of such persons.

45. Subject to the provisions of this Act and to such rules as may be made by the President of the Union thereunder, the committee may appoint and remove 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 remuneration as it may think fit.

46. Subject to the provisions of this Chapter and to any rules made in this behalf, a committee and any other committee or other local authority or more than one such committee or authority, may conjointly appoint and employ any officers or establishments, and provide for the payment of their salaries and for their control.

47. The President of the Union may make rules:

(a) as to the qualifications of persons to be appointed as Health Officer, Inspector of Public Health, Assistant Health Officer, Medical Registrar, Superintendent of Vaccination or the equivalent of any such posts, and for the maintenance of registers of persons possessing such qualifications and the entry of names in, and their removal from, such registers;

(b) regulating the rates of pay and allowances to be granted to such officers and servants;

(c) as to the manner of appointment of such officers or servants and as to the sanction required to any appointment; and

(d) as to the procedure to be followed in dismissing or removing from his appointment or otherwise punishing or penalising any such officer or servant of a committee and as to the sanction required in the case of removal and dismissal.

48. (1) The committee may make bye-laws to regulate such matters relating to the appointment, conduct, duties, leave, suspension, removal and dismissal of its officers and servants as are not provided for by this Act or any rules thereunder.

(2) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

49. If, in the opinion of the Commissioner, the number of persons employed by the committee as officers or servants, or whom the committee proposes to employ as such, or the remuneration assigned by the committee to those persons, or any of them, is excessive, the committee shall, on the requisition of the Commissioner, reduce the number of those persons, or their remuneration, as the case may be:

Provided that the committee may appeal against any such requisition to the President of the Union, and the decision of the President of the Union on such appeal shall be final.

50. In the case of an officer or servant, being a Government official, the committee may:

(1) if his services are wholly lent to it, meet any charges prescribed or authorized by the conditions of his service under the Government for the time being in force regarding contributions towards pension or gratuity and leave allowances; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, meet any such charges as aforesaid in such proportion as may be determined by the President of the Union.

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

(1) grant him:

(a) leave allowances;

(b) a gratuity on his retirement, if his monthly pay does not exceed ten rupees;

(2) with the sanction of the President of the Union:

(c) grant him on his retirement a gratuity in any other case; or

(d) subscribe, in accordance with any general or special orders of the President of the Union for the time being in force, for a pension or gratuity payable on his retirement; or

(e) purchase for him from the Government or otherwise an annuity on his retirement; or

(f) purchase and set apart securities of the Government of India or Pakistan or Union of Burma Government securities or such other securities as the President of the Union may approve in this behalf, and provide on his retirement for the payment to him of the income arising therefrom as an annuity during the remainder of his life and for the realization of such securities by the committee on his death; or

(g) pay him an annuity on his retirement:

Provided that no pension, annuity or gratuity shall be granted unless the officer or servant would be entitled to either pension or gratuity if the service had been service under the Government:

And provided that no gratuity under sub-clause (b) and no pension, leave allowance or annuity shall exceed the sum to which the officer or servant would be entitled if the service had been service under the Government; and a gratuity under sub-clause (c) shall not exceed one month's pay for every completed year of service and shall not in any case exceed a maximum of ten months' pay in all:

And provided that the application of sub-clauses (f) and (g) shall be restricted to municipalities where a provident fund has been constituted and to individuals who joined the service of the municipality before the establishment of such fund.

52. (1) The committee of any municipality to which the President of the Union may by notification declare this section to apply may make byelaws for the purpose of:

- (a) establishing and maintaining a provident or annuity fund;
- (b) compelling all or any of the officers or servants of the committee (other than Government officials) to subscribe to such fund, and, if necessary, providing for the deduction of such subscriptions out of the salaries or emoluments of such servants or officers;
- (c) providing for the payment of contributions to such fund by the committee out of other funds vested in the committee;
- (d) fixing the times, circumstances and conditions under which payments may be made out of any fund established under this section and the conditions under which such payments shall discharge the fund from further liability;
- (e) providing for the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon, between the committee and other persons or between persons claiming any share or interest therein, and
- (f) regulating generally such other matters incidental to such fund and the investment thereof as the President of the Union may approve.

(2) No bye-law made under this section shall come into force until it has been confirmed by the President of the Union.

53. The committee may, with the sanction of the President of the Union, give an extraordinary pension or gratuity:

- (a) to any officer or servant injured in the execution of his duty; or
- (b) to the family of any officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty;

Provided that no such pension or gratuity shall exceed the sum to which such officer or servant, or his family, would be entitled if the service had been service under the Government.

Contracts and Transfers of Property.

54. (1) When a contract made by or on behalf of the committee exceeds in value or amount one hundred rupees, it shall be in writing and signed by the Chairman or Vice-Chairman and at least one other member of the committee.

(2) Every transfer of immoveable property belonging to the committee shall be made by an instrument in writing, executed by the Chairman or Vice-Chairman and by at least two other members of the committee, and shall recite the number and date of the order of the President of the Union approving the resolution for such transfer passed under section 13.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

55. (1) If any member, officer or servant of the committee is directly or indirectly interested in any contract made with the committee, he shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both, unless it shall appear that he was not aware of such interest;

Provided that the President of the Union may, in special circumstances, make exemption from the provisions of this sub-section in the case of any person but such exempted person shall not hold the office of Chairman or-Vice-Chairman of the committee.

(2) No person shall, by reason only of being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the committee, but every such person shall be treated as pecuniarily interested in such contract within the meaning of section 27.

Acquisition of Land.

56. Where any land, whether within or beyond the limits of the municipality, is required by the committee for the purposes of this Act, or for any other object which it is empowered to carry out under any other enactment for the time being in force, the President of the Union may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the President of the Union in connection with the proceedings, the land shall vest in the committee.

Privileges and Liabilities.

57. No suit shall be instituted against the committee, or against a member or officer of the committee, in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of the committee, delivered or left at its office, and, in the case of a member or officer, delivered to him or left at his officer or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act.

58. No suit shall be maintainable against any municipal authority officer or servant, or any person acting under the direction of any municipal authority, officer or servant, or of a Magistrate, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any rule, bye-law or order made thereunder.

59. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Government.

60. Every member, officer or servant of the committee, and every farmer or agent for the recovery on behalf of the committee of any tax, fee or other impost, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

61. (1) In the absence of a written contract to the contrary, every sweeper employed by the committee shall be entitled to one month's notice before discharge, or to one month's wages in lieu thereof, unless he is discharged for misconduct or at the end of a specified term for which he was engaged.

(2) Should any sweeper employed by a committee, in the absence of a written contract authorizing him so to do and without reasonable cause, resign his employment, or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment for a term which may extend to two months.

(3) The President of the Union may, by notification, direct that, on and from a date to be specified in such notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

CHAPTER IV TAXATION

General Provisions.

62. (1) Subject to any general or special rules or orders which the President of the Union may issue or may have issued in this behalf, the committee may, for the purposes of this Act, impose in the whole or any part of the municipality, with the sanction hereinafter specified in each case, any of the following taxes, namely:-

(A) with the previous sanction of the President of the Union:

(a) a tax on buildings and lands not exceeding ten per centum of the annual value of such buildings and lands;

(b) a tax on lands covered by buildings at a rate not exceeding three pies per square foot per annum, or, if the lands are covered by buildings of two or more storeys, at a rate not exceeding four pies per square foot per annum;

(c) a tax on lands not covered by buildings at a rate not exceeding ten rupees per acre per annum;

(d) a tax on buildings according to the length of street frontage occupied by such buildings at rates not exceeding the following, namely:-

Per Annum Rs. [...]

[...]

(e) a tax on households or families at a rate not exceeding thirty per centum per annum on the amount of the thathameda tax assessed upon each household or family;

(f) a tax not exceeding nine rupees per quarter on every vehicle, boat, beast used for driving, riding, draught or burden, or dog, kept within the municipality or any part thereof;

(g) a tax on private markets at a rate not exceeding five per centum of the net annual profits derived by the owners therefrom;

(i) a toll, not exceeding eight annas, on every vehicle or beast used as aforesaid, entering the municipality and not liable to taxation under clause (f):

Provided that any person may compound for exemption from all tolls leviable in respect of any vehicle or animal under this clause by paying the tax which would have been leviable in respect thereof under clause (f) if the same had been kept within the municipality;

(h) a tax on trades, professions and callings.

(B) with the previous sanction of the President of the Union, any tax not authorized under division (A).

(2) Only one of the taxes mentioned in clauses (a), (b), (c) and (d) of sub-section (1) shall be imposed in respect of the same buildings or lands, and no tax under clause (e) thereof shall be leviable from a person who is liable to pay a tax under clause (a), (b), (c) or (d).

(3) Only one of the taxes mentioned in clauses (a) and (g) shall be imposed in respect of the same premises,

(4) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let and in the case of houses, may be expected to let unfurnished.

(5) A tax may be imposed at different rates in different parts of the municipality.

63. (1) Besides the taxes imposed under section 62, the committee may with the previous sanction of the President of the Union, for the purpose of constructing or maintaining works for the supply of water throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by such works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level:

Provided that, in fixing such rate or amount, regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

64. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of lighting the streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose a tax, to be called the lighting-tax, upon buildings and lands situated within the municipality, or such part thereof, as the case may be:

Provided that, in fixing the rate or amount of the tax, regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

65. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of providing and maintaining public latrines sufficient in number and situation for the ordinary wants of the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for that purpose, impose a tax, to be called the latrine-tax, upon buildings and lands in the municipality, or such part thereof, as the case may be:

Provided that, in fixing the rate or amount of the tax, regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

66. (1) Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of providing for the removal and disposal of sewage or rubbish, or both, from any buildings or lands, or paying the principal or interest of any loan raised for the construction of works required for that purpose impose upon such buildings or lands a tax, to be called the scavenging tax, at such rate or rates as may be necessary.

(2) The rate or amount of the tax so imposed may vary according as sewage or rubbish or both is or are removed:

Provided that, in fixing the rate or rates of such tax, regard shall be had to the principle that the net proceeds thereof should not exceed the net cost of the removal and disposal of the said sewage or rubbish, or both, including the cost of the maintenance and repair of all materials, appliances and works connected with such removal and disposal after deducting the produce of the sale of such materials, appliances and works, if sold.

67. (1) The imposition in any municipality of any tax under this Act shall first be proposed at a special meeting of the committee.

(2) If and when a resolution has been passed approving of the imposition of a tax proposed under sub-section (1), the committee shall publish a notice defining the persons or 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 person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the date of the publication of such notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into considerations

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the President of the Union, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The President of the Union, on receiving such proposals, may sanction the same, or refuse to sanction them, or sanction so much thereof as he may think fit, or return the same to the committee for further consideration.

(6) [...]

(7) When any proposal of the committee in respect of a tax has been sanctioned in whole or in part by the President of the Union, the President of the Union may notify the imposition of the tax as sanctioned from a specified date, which date shall be the first day of January, April, July, or October in any year and shall be distant not less than three months from the date of such notification, and thereupon the tax shall come into force from the date so specified, and if it is a tax leviable by the year and comes into force on any day other than the first day of January, it shall be leviable in quarterly instalments until the first day of January then next ensuing.

(8) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

68. (1) The committee may, by resolution passed at a special meeting, propose to abolish or reduce in amount any tax imposed under this Act, or to suspend the levy of any tax for any specified period, and the President of the Union may sanction, or refuse to sanction, such proposal in whole or in part only. If the President of the Union sanctions such proposal in whole or in part, he shall notify in the Gazette the abolition or reduction of the tax or the suspension of the levy thereof, as the case may be.

(2) A tax may be abolished or reduced in amount or the levy thereof suspended in the whole or any part of the municipality.

69. (1) The committee may, by resolution passed at a special meeting, sanctioned by the President of the Union and published in the Gazette, and the President of the Union may, by notification, 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, animals or vehicles.

(2) The committee may, by resolution supported by two-thirds of the whole number of members, exempt in whole or in part, for any period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may, in its opinion, be unable to pay the same.

70. (1) If at any time it appears to the President of the Union, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the public, he may require the committee to take, within a specified period, measures to remove the objection; and if within that period such requisition is not complied with to the satisfaction of the President of the Union, the President of the Union may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

71. (1) The President of the Union may make rules consistent with this Act for the assessment, collection and remission or refund of taxes leviable under this Act and for preventing evasion of the same.

Such rules may also authorize the committee to dispose in accordance with such rules, by way of lease or otherwise, of the right to collect any tolls leviable under section 62, subsection (1), division (A) clause (b).

(2) In making any rule under this section, the President of the Union may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

72. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in connection with any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier (if any) thereof.

73. [...]

74. Any tax imposed under this Act and payable periodically shall be payable on such dates during the period in respect of which it is leviable, and in such instalments (if any) as the committee may, subject to the provisions of section 67, sub-section (7), and to any rules made by the President of the Union in this behalf, from time to time direct.

75. For every sum paid on account of any tax under this Act a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same on behalf of the committee to the person making the payment.

Taxes on Immoveable Property.

76. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing:

- (a) the name of the street or division in which the property is situate;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier if known;
- (d) the annual value, area, street frontage or profit on which the tax is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing such list the committee may require the owners or occupiers of buildings or lands to furnish it with returns of the measurements or of the rent or annual value or profit of such buildings or lands.

(3) Whoever omits to comply with such requisition, or furnishes a return which is untrue, shall be punishable with fine which may extend to fifty rupees, and shall be precluded from objecting to any assessment made by the committee in respect of any building or land of which he is the owner or occupier.

77. When the assessment-list has been completed, it shall be signed by the Chairman or Vice-Chairman and the committee shall give public notice of the fact and of the place where the list or a copy thereof may be inspected; and every person claiming to be either an owner or an occupier of any property included in such list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

78. (1) The committee shall, at the time of publishing the assessment list under the last foregoing section, give public notice of a time, not less than one month from the publication of such notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment of any property is increased, it shall

also give notice of such assessment, or increased assessment, as the case may be, to the owner or occupier of the property, whichever of them will be liable as between themselves to pay the tax.

(2) Every objection to any such assessment or increased assessment shall be made in writing and shall be submitted at least eight days before the time fixed in the notice referred to in sub-section (1):

Provided that the committee may in its discretion receive oral objections at the time specified in the notice.

79. (1) A sub-committee of not less than two members appointed for this purpose by the committee shall inquire into any objection submitted under the last foregoing section, and in the course of such inquiry shall allow the objector an opportunity of being heard, either in person or by authorized agent, as the objector may think fit, and shall have authority to receive evidence on any matter arising therein, and shall record the proceedings and a summary of the evidence taken therein, and shall give a separate decision on each objection submitted as aforesaid, either at the hearing thereof or on a subsequent day of which notice shall be given to the objector.

(2) An appeal from every decision of a sub-committee under sub-section (1) shall lie by petition in writing to the Deputy Commissioner, or, if the Deputy Commissioner is a member of the committee, to the Commissioner:

Provided:

(a) that the petition of appeal shall have been presented to the Deputy Commissioner or Commissioner within thirty days from the date of the communication to the appellant of the sub-committee's decision;

(b) that notice in writing of the intention to appeal shall have been given to the Chairman of the committee within seven days from the date of the communication to the appellant of the sub-committee's decision; and

(c) that the petition is stamped under article [...] of Schedule II of the Court-fees Act.

(3) The appellant shall not be permitted, without the consent of the Deputy Commissioner or Commissioner, as the case may be, at the hearing of the appeal, to put forward any ground of appeal not set forth in his petition of appeal.

(4) it shall not be necessary for the respondent committee to appear before the Deputy Commissioner or Commissioner, and any letter which may be addressed by, or by order of, such committee to such Deputy Commissioner or Commissioner regarding the appeal shall, if a copy thereof has, before the hearing of the appeal, been supplied to the appellant, be received and considered before the decision on the appeal is delivered.

(5) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment arises on which he entertains doubt, the Deputy Commissioner or Commissioner hearing the appeal may, of his own motion, and shall, on the application of the appellant, or of the Chairman of the respondent committee, made at the hearing, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, with his own opinion on the point and the record of the case, for the decision of the High Court.

(6) When a case has been stated under the provisions of the last foregoing sub-section, the High Court shall, after considering the question so referred, send a ruling thereon to the officer by whom the reference was made, and such officer shall, on receipt of the ruling, dispose of the case in conformity therewith. It shall not be necessary for any party to the case to be present, either personally or by authorized agent, at the consideration of the case by the High Court.

(7) Subject to the foregoing provisions of this section, the decision of the sub-committee, Deputy Commissioner or Commissioner, as the case may be, shall be final.

(8) The Deputy Commissioner or Commissioner, as the case may be, shall in his decision direct by whom the costs of the appellant and those of the respondent committee are to be paid, and, if he directs that one party shall pay the other party's costs or any part thereof, he shall fix the amount of the costs to be so paid.

(9) Costs awarded under this section to the committee shall be recoverable by the committee as if they were arrears of a tax due from the appellant.

(10) The pendency of any appeal from a decision of the sub-committee shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by installments, of any installment of any tax payable in respect of any property according to the assessment of the committee; but if, by the final decision upon an objection, it is determined that such tax or installment ought not to have been levied in whole or in part, the committee shall refund to the person from whom the same has been levied the amount of such tax or installment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

(11) If, in accordance with the provisions of this section, a refund of any payment made by an appellant be required, the committee shall make such refund within ten days after receipt of a certified copy of the final decision of the Deputy Commissioner or Commissioner, as the case may be.

(12) If the committee fails to pay any costs awarded to an appellant under sub-section (8) or any refund due to an appellant under sub-sections (10) and (11) within ten days from receipt of a certified copy of the final decision of the Deputy Commissioner or Commissioner, as the case may be, the Deputy Commissioner or Commissioner shall, on the application of the appellant, order the person having the custody of the balance of the municipal fund to

pay the amount, together with the costs of the application and of the service of the order, and such person shall be legally bound to comply with such order and shall debit the amount so paid against the balance of the municipal fund.

(15) The assessment list shall be amended under the direction and signature or the Chairman or Vice-Chairman so as to make it correspond with the decisions upon objections submitted, or, in the case of appeals from such decisions, with the decisions on such appeals; and, subject to such amendments as may thereafter be duly made, the assessments in the list shall be the assessments on which the tax shall be calculated and levied for the year of assessment next ensuing, and, in the case of a tax imposed for the first time, for the period between the date of the coming into force of the tax and the commencement of the next year of assessment.

(14) The assessment-list, when amended under this section, shall be deposited in the committee's office, and shall there be open to inspection during office hours by all owners or occupiers of property comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

80. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by including any property which ought to have been included, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to the person interested in the amendment, or a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time lined in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same, either in person or by authorized agent, as he may think fit.

(3) The provisions of section 79 shall apply to objections and appeals in such cases.

81. When a new building is erected after the completion of the assessment list, the committee may cause it to be added to the list, and in such a case the provisions of sections 76 to 78 and section 79 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the month following the date on which the assessment is settled by the committee.

82. It shall be in the discretion of the committee to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, the valuation and assessment for the year following, giving the same notice as if a new valuation and assessment list had been prepared.

83. Every tax payable under section 62, sub-section (1), division (A), clause (a), clause (b), clause (c) or clause (d), or section 63 or section 64 or section 65 or section 66, in respect of any building or land, shall be payable jointly and severally by all persons who have been either owners or occupiers of the building or land at any time during the year of assessment, or, when the tax is payable by installments, at any time during the period in respect of which the installment is payable.

84. (1) In the absence of any agreement to the contrary between an owner and an occupier of any building or land, any tax payable under section 62, sub-section (1), division (A), clause (ri), clause (b), clause (c) or clause.

(d), which is paid by or recovered from the occupier, shall be recoverable by him from the owner, and any tax payable under section 63, section 64, section 65 or section 66, which is paid by or recovered from the owner, shall be recoverable by him from the occupier.

(2) A sum recoverable under sub-section (1) by an occupier from an owner may be deducted by the occupier from any rent due or afterwards accruing due from him to the owner.

Remission and Refund.

85. (1) When any building in respect of which a tax is leviable under section 62, sub-section (1), division (A), clause (a), or clause (b), or clause (c), or under section 63, or section 64, or section 65 or section 66, remains unoccupied throughout the period on account of which an instalment of such tax is payable, the amount payable in respect of such building on account of such period shall, on application in writing to the committee, be remitted, and, if such amount has been paid, it shall be refunded:

Provided that it shall be in the discretion of the committee to direct that no such remission or refund shall be granted under this sub-section unless notice in writing of the vacancy has been given to it within such time after the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When any such building as aforesaid:

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit or refund such portion (if any) of the tax or installment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon such person.

CHAPTER V
FUNDS AND PROPERTY

86. There shall be formed for each municipality a municipal fund and there shall, save as by this Act otherwise provided, be credited thereto:

- (a) all sums received by or on behalf of the committee under this Act or otherwise;
- (b) all fines realized from persons convicted under this Act or the rules or bye-laws thereunder, or under section 34 of the Police Act, for offences committed within the municipality;
- (c) the whole, or any such part as the President of the Union may approve, of any contributions from the port fund of any port abutting on, or situated within, the municipality, made under the authority of the Ports Act.

87. (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, such sum as may be required to meet the charges of its own establishment, including such subscriptions, payments, and contributions as are referred to in sections 50, 51, 52 and 53 and the payment of advances granted to members of the establishment for the purpose of enabling them to acquire or construct residences for themselves or for any other purpose for which advances may be made to servants of the Government; and

(c) thirdly, such sums as may be required to pay the expenses of pauper lunatics and [paupers affected with leprosy] [Substituted by Act XL, 1950] sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the departments of [...] [Deleted by Act LII, 1950] Sanitation, Vaccination, Periodic Relief and Public Works as may be deemed by the President of the Union to be equitably debitable to the committee in return for services rendered to it by such departments or any of them.

(2) Subject to the charges specified in sub-section (1) and to such rules as the President of the Union may make with respect to the priority to be given to the several obligations of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the undermentioned matters within the municipality and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:-

- (a) the construction, maintenance, improvement, cleansing, and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of the streets or any of them;

(c) the prevention and extinction of fires;

(d) the construction, establishment and maintenance of [.....] [Deleted by Act LII, 1950] hospitals, dispensaries, [leprosy homes] [Substituted by Act XI, 1950] and other institutions [.....] [Deleted by Act LII, 1950] for the benefit of the public health, and of resthouses, zayats, wharves, poor houses, markets, encamping grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(e) grants-in-aid to [.....] [Deleted by Act LII, 1950] hospitals, dispensaries, poor-houses, [leprosy homes] [Substituted by Act XI, 1950] and other [.....] [Deleted by Act LII, 1950] charitable institutions;

[Deleted by Act LII, 1950] (f) [.....]

(g) the giving of relief and the establishment and maintenance of relief works in time of scarcity or famine;

(h) the supply, storage and preservation from pollution of water for the use of men or animals;

(i) the planting and preservation of trees;

(j) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measures;

(k) the keeping and auditing of the accounts of the municipal fund [Deleted by Act LII, 1950] and the hospital fund;

(l) the holding of fairs and industrial exhibitions; and

(m) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the President of the Union, to be an appropriate charge on the municipal fund.

[Deleted by Act LII, 1950] 88. [.....]

89. (1) There may be formed for each municipality a hospital fund, to which shall be credited -

(a) any fees received from paying patients in any hospital maintained by the fund;

(b) any money realized by the sale of medicines or other stores or articles purchased by the fund;

(c) any assignment that may be made to the hospital fund from the revenues of the Union of Burma or from any district or local fund;

(d) any other funds or income that may be entrusted to the committee for the construction or maintenance of hospitals, dispensaries or [leprosy homes] [Substituted by Act XL, 1950], or the provision of medical aid or relief; and

(e) any sums assigned for medical purposes from the municipal fund.

(2) No expenditure, except expenditure for the construction or maintenance of dispensaries, hospitals or [leprosy homes] [Substituted by Act XI, 1950], or the provision of medical aid or relief or vaccination, shall be charged against the hospital fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for any of the purposes above mentioned, and his decision shall be final.

90. (1) The balances standing to the credit of the municipal [Deleted by Act LII, 1950] and hospital funds shall be kept in the nearest Government treasury or sub-treasury or, with the previous sanction of the President of the Union, in such bank as may be approved by the President of the Union in this behalf.

Where such treasury, sub-treasury or bank is situated outside the limits of the municipality, money required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(2) Save as provided in section 92, no disbursement from the municipal fund [Deleted by Act LII, 1950] or the hospital fund shall be made except under the signature of the Chairman or Vice-Chairman and one other member of the committee.

91. (1) The committee may, from time to time, with the previous sanction of the President of the Union, invest any portion of the municipal fund [Deleted by Act LII, 1950] or hospital fund in [Deleted by Act XL, 1950] Union of Burma Government securities or such other securities as the President of the Union may approve in this behalf, and may, with the like sanction, realize any such funds so invested or vary such investments for others of a like nature.

(2) The income resulting from such securities and the proceeds of the sale of the same shall be credited to the municipal fund, [Deleted by Act LII, 1950] or hospital fund, as the case may be.

92. (1) The committee may delegate [Deleted by Act LII, 1950] to a hospital sub-committee the management of the hospital fund.

(2) [The hospital subcommittee] [Substituted by Act LII, 1950] (if any) formed under subsection (1) shall [...] [Deleted by Act LII, 1950] consist of such members of the committee as may be appointed by the committee for this purpose, and of such other persons (if any)

as may be nominated for this purpose by the committee, the President of the Union or the Commissioner under rules made by the President of the Union in this behalf.

(3) Every hospital sub-committee [...] [Deleted by Act LII, 1950] shall elect a chairman.

(4) When the management of the [...] [Deleted by Act LII, 1950] hospital fund has been delegated in manner provided by sub-section (1), disbursements therefrom may be made under the signature of the chairman of the [...] [Deleted by Act LII, 1950] hospital sub-committee and one other member of [such hospital sub-committee] [Substituted by Act LII, 1950].

93. Subject to any special reservation made by the President of the Union in this behalf, all property in a municipality of the nature hereinafter specified 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 Act, that is to say:

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

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent and (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters 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, collected by the committee from the streets, drains, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 145;

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

(f) all land or other property transferred to the committee by the Government or by gift 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.

94. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the President of the Union:

Provided also that the committee may delegate its authority over [...] [Deleted by Act LII, 1950] hospitals maintained or aided by it to a [...] [Deleted by Act LII, 1950] hospital sub-committee, if any, formed under section 92.

(2) When the management, control and administration of any public institution are vested in the committee, all property, endowments and funds belonging to such institution shall be held by the committee in trust for the purposes to which such property, endowments and funds are lawfully applicable.

95. The committee may, with the sanction of the President of the Union, transfer to the [State] [Substituted for the word “Crown” by the Union of Burma (Adaptation of Laws) Order, 1948] any property vesting in and belonging to the committee under section 93, or any property, endowments and funds held by the committee in trust under section 94, subsection (2), but not so as to affect any trusts or public rights subject to which such property, endowments and funds are held.

96. If any land which is vested in the committee, and which has been transferred from the [State] [Substituted for the word “Crown” by the Union of Burma (Adaptation of Laws) Order, 1948] to the committee, is required by the Government for a public purpose, it may be resumed by the Government without compensation to the committee, except for the cost or the present value, whichever may be less, of any permanent buildings erected, or other works executed, thereon by the committee, and for the amount (if any) paid to the Government therefore.

97. If any question arises between the Government and the committee as to the boundaries of any land vested in the committee by section 93, or as to the compensation to be paid under section 96 to the committee in respect of anything on any land to be resumed, the decision of the President of the Union shall be final.

CHAPTER VI

POWERS FOR SANITARY AND OTHER PURPOSES

Streets and Buildings.

98. When 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 necessary for the sites of the buildings to be erected on the sides of the street.

99. The committee may close temporarily any street vested in it, or any part thereof, for the purpose of repairs, or for the purpose of constructing or repairing any drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close

any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

100. The committee may by public notice prohibit the driving, riding or leading of animals or vehicles of any particular kind along any street or part of a street vested in it.

101. The committee may grant permission in writing for 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, or, subject to the provisions of the Dramatic Performances Act, the Towns Act, and of any other law for the time being in force, for holding a *pwé* or other entertainment thereon, and may make such conditions as it may think fit, either by bye-law or in any particular case by resolution, for the safety or convenience of persons passing by, or dwelling or working in, the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw such permission.

102. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any inconvenience or injury thereto.

103. The committee may at a meeting 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.

104. The committee may, by bye-law, fix limits within which the roof and external walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves, or other highly inflammable material unless with its permission in writing; and may, by notice in writing, require any person who has disobeyed any such bye-law to remove or alter the roofs or external walls so made or renewed as it may think fit.

105. (1) The committee may, by bye-law, prescribe that, within certain limits and after a day to be fixed by the bye-law, no building shall have a roof or external walls of bamboos, grass, mat, leaves, or other highly inflammable material without its permission in writing.

(2) The committee may, after the date so fixed, by notice in writing, require the owner of any building situated within the limits specified in such bye-law to remove any roof or external wall made of any such material.

(3) The date to be specified in a bye-law made under sub-section (1) of this section shall be such as, in the opinion of the committee, to allow the roofs and external walls of any such material in existence at the time of the making of such bye-law to remain until they would in ordinary course, if not repaired, require to be removed.

106. (1) If any building or part of a building projects beyond the regular line of a street, either existing or in process of formation, or beyond the front of the buildings on either side thereof, the committee may, whenever such first-named building or part has been

either entirely or in greater part taken down or burnt down, or has fallen down, by notice in writing require such building or part, when being rebuilt, to be set back to or towards the said regular line of 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 which he may sustain in consequence of his building or any part thereof being set back.

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

107. (1) The committee may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment, or construction built or placed against or in front thereof so as to form part thereof, if the same overhangs, or projects into, or encroaches on, any street or any sewer, drain or aqueduct in the street, or any door, gate, bar, window, venetian shutter or other thing opening outwards into any street, so as to cause any obstruction therein.

The committee may, without giving any notice, remove any other encroachment or obstruction which has been erected or set up in a street, or in or over any sewer, drain or aqueduct in the street, whether the offender be prosecuted or not:

Provided that in lieu of requiring the removal or alteration of any such projection, encroachment, obstruction, door, gate, bar, window, venetian shutter or other thing opening outwards into a street, the committee may, upon such terms as to it shall seem fit, grant permission for the continuance thereof, either at the will of the committee or for a period of years not exceeding seven, and may reserve a rent for such permission.

(2) It shall not be lawful, unless with the permission in writing of the committee, for the owner or occupier of any building abutting on a street to add to or place against or in front of the building, any projection or structure overhanging, projecting into, or encroaching on, the street or any sewer, drain or aqueduct therein, or to spread, deposit, hang out or suspend any cloth, mat, goods or other article in or over any street or any sewer, drain or aqueduct therein.

(3) The committee may give permission in writing to 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 such written permission.

108. (1) The committee may make bye-laws in respect of the demolition of buildings or of parts of a building for the purpose of prescribing the precautions to be taken for the prevention of danger or injury to the public and those engaged in the work, and for the protection of other parts of the same building and of other property in the vicinity thereof.

(2) Such bye-laws may also require any persons intending to demolish a building or part of a building to give at least three days' previous notice to such officer as may be specified in the bye-law, together with particulars of the proposed demolition and of the precautions to be taken during the progress of the work, and may prohibit:

(i) the commencement of the demolition within such period of three days without the express consent of such officer as aforementioned, or

(ii) the commencement or continuance of the demolition unless and until all precautions have been and are being taken in accordance with such bye-laws and with any directions or requisitions in writing which the committee may serve on the person in charge of the work or on the person who submitted the notice, if any, required under such bye-laws.

(3) This section shall not take effect in any municipality until it has been specially declared to apply thereto by the President of the Union at the request of the committee.

109. The committee may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or railway or any place laid out as or intended for a street, and, after giving reasonable notice in writing to the owner or occupier, through, across, under, over or up the side of any land or building whatsoever within or without the municipality, and may place and maintain any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights on any immoveable property in the municipality, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

110. No person shall, without the permission of the committee, utilize, sell, lease, or otherwise dispose of land for the construction of buildings. except where each site abuts on an existing street, until he has laid down and constructed a street or streets giving access to each site and connecting with an existing public or private street.

111. (1) Any person intending to make or lay out a new private street shall make a written application to the committee accompanied by plans and sections showing the following particulars, namely:-

(a) the intended level, direction and width of the street;

(b) the connection of the street with any existing street or streets;

(c) the street alignment and the building line; and

(d) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the street.

(2) Within sixty days after the receipt of any application under sub section (1), the committee shall either sanction the making of the street on such conditions as it may think fit, or disallow it, or ask for further information with respect to it.

(3) Such sanction may be refused:

(i) if the proposed streets would conflict with any arrangements which have been made, or which are in the opinion of the committee likely to be made, for carrying out any general scheme for the laying out of streets;

(ii) if the width or level of the proposed street is, in the opinion of the committee, not in accordance with the requirements of the public health, safety and convenience;

(iii) if the proposed street is not designed so as to connect at one end with an existing street;
or

(iv) if the connection of the proposed street with any existing street is, in the opinion of the committee, not in accordance with the requirements of the public health, safety or convenience.

(4) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the committee. If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information; provided that the passing of such orders shall not in any case be delayed for more than sixty days after the committee has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of receipt by the committee shall be deemed to have been sanctioned.

112. (1) If any person makes or lays out any street referred to in section 111 without or otherwise than in conformity with the orders of the committee, the committee may, whether or not the offender be prosecuted under this Act, by notice:

(a) require the offender to show sufficient cause, by a written statement signed by him or his duly authorized agent and sent to the committee on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the committee or, if such alteration be impracticable, why such street should not be demolished, or

(b) require the offender to appear before the committee either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the committee why such street should not be so altered or demolished, the committee may by notice require the said person to alter or demolish the said street.

113. (1) If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the committee, it may, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to level, metal or pave, drain and light the same in such manner as it shall direct.

(2) If such requisition be not complied with on or before the date specified in such notice, the committee may cause the work to be done by municipal or other agency under its own orders, and the expenses incurred by the committee in so doing shall be paid by the owners of the premises aforesaid in such proportions as the committee shall think fit.

(3) Not less than fifteen days before the commencement of any work under sub-section (2) the committee shall give written notice to all the said owners of:

(a) the nature of the intended work;

(b) the estimated expenses thereof; and

(c) the proportion of such expenses payable by each owner.

(4) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the committee under sub-section (2) is incorrect or unjust may appeal against such order to the District Court.

(5) Effect shall be given by the committee to the decision of the Court under sub-section (4).

114. When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the committee, the committee may, with the consent of, and shall, upon the request of the owner or of any of the owners of such street, by notice put up in any part of such street, declare the same to be a public street and thereupon the same shall become a public street.

115. (1) The committee shall make bye-laws for the control of buildings which may, without prejudice to the generality of the foregoing power, provide for and regulate the following matters, namely:-

(a) rendering compulsory a notice to the committee of intention to erect or re-erect any building;

(b) the information and plans, specifications and particulars to be submitted with applications for the approval of sites and for permission to erect or re-erect any building;

(c) rendering compulsory the appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and the description of the qualifications which such person shall possess;

(d) the grant of completion certificates in respect of newly erected or re-erected buildings, including the description of the cases in which, and of the persons by whom, such certificates shall be granted;

(e) the height of buildings, whether absolute or relative to the width of streets;

(f) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure;

(g) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist;

(h) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(i) the free passage or way in front of buildings;

(j) the space to be left about any building to secure the free circulation of air and facilitate scavenging and for the prevention of fire;

(k) the ventilation and drainage of buildings;

(l) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire;

(m) the materials to be used and method of construction to be adopted;

(n) the number, position, materials and methods of construction of fire-places, smoke-escapes, chimneys, staircases, water-closets, closet accommodation, latrines, urinals, privies, sewers, sewerage-connection, ventilating pipes, cesspools, traps, sinks, sullage trays, water connections, wells and drains in buildings;

(o) specifying the parts or portions of building sites on which no building shall be erected and the position thereof;

(p) the paving of any passage between two buildings or appurtenant to any buildings;

(q) the restrictions on the use of inflammable materials in buildings;

(r) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work and of securing the stability of the various parts of the

structure and of buildings and property in the vicinity thereof, during the progress of the work or of any demolition or excavation therefore; and

(s) the building line, if the building abuts on a street:

Provided that the committee may, for sufficient reasons to be recorded, by a resolution dispense with the observance of any or all of the bye-laws (if any) made under this sub-section in regard to the erection or re-erection of any particular building.

(2) The committee may, at any time within six weeks after the receipt of any notice required by any bye-law made under sub-section (1), clause (a), and any document required by any bye-law made under sub-section (1), clause (b), by notice in writing either prohibit the erection or re-erection of the building, or may require further plans, specifications and particulars of the kind referred to in any bye-law made under sub-section (1), clause (b), or give any directions consistent with this Act or any bye-laws made thereunder.

(3) If any building is begun or erected or re-erected in contravention of any such bye-law, prohibition, or direction as aforesaid or in contravention of the provisions of sub-section (5), the committee may, by notice in writing, require the building to be altered or demolished, as it may deem necessary.

(4) If any person, after delivering plans and specifications regarding any building under any bye-law made under sub-section (1), clause (b), departs, except under the orders or with the permission of the committee, from such plans and specifications, the committee may, by notice in writing, require such building to be altered or demolished, as it may deem necessary.

(5) The work of the erection or re-erection of a building or of any excavation for the foundations thereof shall not be commenced unless and until such erection or re-erection has been permitted by the committee under sub-section, (2). But if within six weeks next following the day on which all documents, plans, specifications and particulars called for have been submitted to the committee, or if such have not been called for within six weeks of an application, the committee shall not have passed orders granting or refusing permission, such permission shall be deemed to have been given, and the applicant may proceed to erect or re-erect such building but not so as to contravene any provision of this Act.

Lodging-Houses.

116. (1) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee, keep any lodging-house.

(2) The committee may, and in the case of common lodging-houses shall, make bye-laws providing for:

(a) fixing the number of persons who may occupy a lodging-house;

- (b) the inspection of lodging-houses;
- (c) promoting cleanliness and ventilation in lodging-houses, and a clean and sanitary condition in the premises connected therewith;
- (d) the lighting of common spaces and staircases in lodging-houses;
- (e) the precautions to be taken in the case of any dangerous disease breaking out in a lodging-house; and
- (f) the general regulation and control of lodging-houses.

Theatres, Music Halls, Etc.

117. The committee may make bye-laws:

- (a) for the inspection and general and sanitary regulation of theatres music halls and other buildings used for public entertainment;
- (b) for regulating the holding of entertainments in such buildings in order to ensure the health, safety and convenience of persons employed in or resorting to the same; and
- (c) for rendering licences necessary for the keeping of such buildings:

Provided that no bye-laws under this section shall apply to any building to which the Cinematograph Act applies.

Insanitary and Dangerous Buildings, Etc.

118. The committee may make bye-laws for:

- (a) the prevention of overcrowding by fixing the number of persons who may occupy any building;
- (b) the removal or improvement of insanitary buildings or buildings in a dangerous or ruinous condition; and
- (c) the cleansing, lime-washing or painting of buildings.

119. (1) If for any reason it shall appear to the committee that any building or part of a building, intended for or used for human habitation or human occupation for any purpose whatever, is unfit for such habitation or occupation, it shall give to the owner or occupier of such building notice in writing stating such reason and signifying its intention to prohibit the further use of such building or part of a building for such purpose and calling upon the owner or occupier of such building to state in writing any objection thereto within

seven days after the receipt of such notice, and, if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the committee invalid or insufficient, it may, by an order in writing, prohibit the further use of such building or part of a building for human habitation or occupation.

(2) When any such prohibition as aforesaid has been made, the committee shall cause notice of such prohibition to be served upon the owner of, and upon every person who occupies or uses for any purpose, the building or part of a building thereby affected; such notice shall specify a day, being not earlier than fourteen days after the date thereof, on or before which every such occupier shall remove himself and his property from the said building or part of a building, and, if on the day so appointed any occupier has failed to comply with the terms of the said notice, the committee may cause such occupier and his property to be removed from the said building or part of a building and may for such purpose enforce the prohibition by calling upon the senior police-officer within the municipality to enforce such removal, and such police-officer, on receipt of such requisition, shall cause all the persons aforesaid to be removed from such building, and shall take such measures as will prevent any such person from again entering into or remaining upon such building or part of a building except with the permission of the committee; and all expenditure incurred in such enforcement may be recovered from the person offending.

(3) When a building or part of a building has been evacuated under sub-section (2), the committee shall [mark it in such a way as to indicate clearly that it is unfit for human habitation] [Substituted by the Union of Burma (Adaptation of Laws) Order, 1948], and no person shall, except with the permission of the committee and in accordance with the terms and conditions of such permission, enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been evacuated under sub-section (2), the committee may, if it considers that such building or part of a building can be rendered fit for human habitation by structural alterations or repairs, by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as it deems necessary, or may, if it considers it impossible to render such building or part of a building fit for human habitation, by notice in writing call upon the owner to demolish such building or part of a building within a period of thirty days from the date of receipt of such notice.

(5) If at the expiration of the aforesaid period of six months such structural alterations or repairs have not been executed to the satisfaction of the committee, it shall issue to the owner thereof a notice in writing ordering the demolition of such building or part of a building within a period of thirty days from the date of receipt of such notice.

(6) For sufficient cause, the committee may extend the time allowed under, or prescribed by, sub-sections (4) and (5).

(7) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be avoidable at the option of the lessee with effect from the date on which the said order comes into force.

Ruinous Buildings, Structures, Wells, Etc.

120. If any building, wall, structure or anything affixed thereto, or any tree, branch or hedge is in a ruinous state or in any way dangerous the committee may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made therein as it considers necessary for the public safety and if it appears to be necessary in order to prevent imminent danger, it shall forthwith take such steps as may be necessary to avert such danger.

121. If 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 in writing, require the owner or occupier thereof to repair, protect, or enclose the same, and if it appears to it to be necessary in order to prevent immediate danger, it shall forthwith take such steps as may be necessary to avert such danger.

Fences.

122. Where the Committee decides that it is necessary, it may, by notice in writing, require the owner of any land to erect, and thereafter to maintain, a fence around such land, or to put in repair to the satisfaction of the committee any existing fence on such land.

Clearing of noxious Vegetation, Etc.

123. The Health Officer, or any officer or servant of the committee authorized by the Health Officer or the committee in this behalf, may, by notice in writing, require the owner or occupier of any building or land to clear away and remove any thick or noxious vegetation, jungle or undergrowth, to cut or trim any hedge bordering on, or any branch of any tree overhanging, any street or public place or land or building vested in or belonging to the committee, or, if such land or building is in a filthy or unwholesome state, to cleanse the same and otherwise put it in a proper state.

Parks and Recreation Grounds.

124. The committee may establish and maintain public parks and recreation grounds and may make bye-laws for the sanitary and general regulation thereof.

Precautions against Fire.

125. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice:

(a) prohibit all persons from stacking or collecting bamboos, dry grass, straw, or other inflammable material, or lighting fires, in any place or within any limits specified in such notice;

(b) declare under what conditions, and at what times, fires may be lighted in any such place or within any such limits; and

(c) require the owners or occupiers of any buildings with thatched roofs within the municipality to place mats thereon of such descriptions as the committee may prescribe.

Camping Grounds.

126. (1) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee, establish or keep open any public camping ground or halting place for vehicles or animals of any description.

(2) The committee may make bye-laws prescribing the conditions which shall apply to licences issued under sub-section (1) and for the general and sanitary regulation of camping grounds and halting places.

(3) The committee may charge a fee not exceeding five rupees per annum for such licence.

(4) The committee may provide and maintain public camping grounds and halting places for vehicles and animals and may charge fees for the use of the same.

Bathing and Washing Places.

127. (1) The committee may set apart suitable places for the purpose of bathing, and may by public notice prescribe 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; and may by public notice prohibit bathing or the washing of animals or clothes in any public place not so set apart, or at times or by persons other than those so specified, and any other acts, to be specified in such notice, by which water in public places may be rendered foul or unfit for use.

(2) The committee may provide such bathing and washing places and may charge a rent or fee for the use of the same.

(3) The committee may make bye-laws for the management and general and sanitary regulation of bathing and washing places.

Burial and Burning Grounds.

128. No person shall, without the permission in writing of the Health Officer or, where there is no Health Officer, of such officer or person as may be authorized by the committee in this behalf, keep a corpse or cause a corpse to be kept unburied when seventy-two hours or, if the cause of death was cholera or small-pox, twenty-four hours after death have elapsed.

129. The committee may provide and maintain or may assist in the provision and maintenance of burial or burning grounds.

130. (1) The committee may, by public notice, order any burial or burning ground 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 are used only for the burial of members of the family of the owner thereof.

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

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

132. The committee may make bye-laws for controlling and regulating the use and management of burial and burning grounds.

Registration of Births and Deaths.

133. The committee shall make bye-laws for the registration of all births and deaths which take place within the municipality, and for the taking of a census.

Private Markets.

134. (1) No person shall, without or otherwise than and in conformity with the terms of a licence granted by the committee in this behalf.

(a) keep open,

(b) newly establish,

(c) remove from one place to another,

(d) re-open, or re-establish after discontinuance for a period of not less than one year, or

(e) enlarge the area or dimensions of a private market:

Provided that the committee shall not refuse, cancel or suspend any licence for keeping open a private market lawfully in existence on the 1st July 1898 [Date of Commencement of this Act] for any other cause than the failure of the owner thereof to comply with some provision of this Act or the rules and bye-laws thereunder or condition of his licence after his attention has been drawn to such failure.

(2) When the committee has refused, cancelled or suspended any licence to keep open a private market it shall cause a notice of its having done so to be affixed [...] [Deleted by the Union of Burma (Adaptation of Laws) Order, 1948] on some conspicuous spot on or near the building or place where such market has been held.

(3) The committee may charge a fee not exceeding one hundred rupees per annum for such licence.

(4) The committee may make bye-laws for the management and sanitary and general regulation of markets or of any market whether municipal or private.

Occupation and Obstruction of Streets.

135. The committee may grant permission in writing for the occupation of any street or land vested in or belonging to it for the purpose of erecting stalls or booths for the sale of any commodity and may charge rent for such permission and may make such conditions as it may think fit by bye-law for the regulation of such stalls or booths:

Provided that such permission shall, in the case of a public street, be at the will of the committee.

136. No person shall, except with the permission of the committee, and in accordance with such conditions, including the payment of rent, as the committee may impose either generally or specially in that behalf, place or deposit upon any street or drain, well, or channel therein, any stall, chair, bench, box, ladder, bale, tray or other things, and the committee may, after giving three days' notice, remove any such stall, chair, bench, box, ladder, bale, tray or other thing or may, in lieu of such removal, collect such rent for the use of the land as it may impose.

Offensive and Dangerous Trades.

137. (1) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee -

(a) keep in or upon any premises for any purpose whatever, any blood;

(b) keep in or upon any premises for sale or for other than domestic use any of the following articles, namely:-bamboos, celluloid goods, charcoal, cinematograph films, bones, coal, coir,

coke, dani, firewood, flax, hair, hay, hemp, hides (dried or wet), hoofs, horns, jute, matches (more than one gross of boxes), petroleum and dangerous petroleum as defined in the Petroleum Act, rags, skins, straw, timber, thatching grass, wool, or any other article which the President of the Union may, by notification, declare to be in his opinion dangerous to life, health or property, or likely to create a nuisance; or

(c) carry, on or allow to be carried on, in or upon any premises, any of the following trades or operations connected with such trades, namely:- breeding pigs or ducks, dyeing cloth or yarn, tanning, pressing or packing hides or skins, whether raw or dried, par-boiling of paddy, oil boiling, manufacturing, packing, pressing, cleaning, cleansing or preparing by any process whatever any of the following articles, namely: bones, bratties (cowdung cakes), bricks or tiles, candles, catgut, chemicals, cotton, cotton refuse, cotton seed, fat, flax, ghee, lac, lime, ngapi, oilcloth, paper, pitch, pottery, rags, soap, soy sauce, sugar, tallow, tar, wool, or any trade or operation which the President of the Union may, by notification, declare to be in his opinion dangerous to life, health or property, or likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same is or is proposed to be carried on.

(2) The committee may make bye-laws prescribing the general conditions which shall apply to all licences granted under sub-section (1) and special conditions for the storage of any article or carrying on any trade or operation, which conditions may include the provision of suitable buildings and their separation from other buildings.

(3) Subject to such conditions, the licence shall not 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:

Provided that the committee may, with the approval of the President of the Union, by public notice prohibit the establishment or maintenance of any business or class of business referred to in sub-section (1) in the whole or any part of the municipality:

Provided also that nothing in this section shall affect the provisions of the Petroleum Act or the Explosives Act.

138. If it is shown to the satisfaction of the committee at a meeting that any place licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or likely to be dangerous.

Bakeries Eating-Houses, Etc.

139. The committee may make bye-laws for the inspection and general and sanitary regulation of milk-sellers, bakeries, places where sweets are manufactured, public eating-

houses, refreshment stalls and aerated water and ice factories, and for rendering licences necessary for the same.

Slaughter-Houses.

140. No person shall, at any place other than a municipal slaughter-house, slaughter or cause or permit to be slaughtered any four-footed animal, the flesh of which may be used as human food:

Provided that:

(i) Any person may slaughter animals, the flesh of which is not intended for sale, on the occasion of any festival or ceremony, provided that not less than twelve hours' notice before such slaughter has been given to the committee and provided further that this section shall not apply to the sacrifice of animals in religious temples or other places of worship.

(ii) The committee may, with the previous sanction of the President of the Union and in accordance with such conditions as the President of the Union may prescribe, grant a licence for a private slaughter-house and charge a fee for such licence.

141. The committee may charge rents or fees for the use or occupation of any municipal slaughter-house or any shed, standing, pen, lairage or other building or space therein.

142. The committee may make bye-laws for -

(a) the management and sanitary and general regulation of slaughter-houses or of any slaughter-house, and of the slaughtering of animals therein;

(b) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the municipality of the flesh of any such animal slaughtered without the municipality;

(c) the prohibition of the sale of meat by any person except under and in conformity with the terms and conditions of a licence granted by the committee; and

(d) requiring sellers of meat to procure from the committee and, on requisition, to produce passes showing that the meat sold or exposed for sale by them has been derived from animals slaughtered in a municipal slaughterhouse.

143. Whenever it appears to the District or Subdivisional Magistrate that a breach of the peace is imminent, he may prohibit or regulate, by proclamation published in such manner as the President of the Union may, by notification, prescribe, the slaughter within the limits of a municipality or of any portion thereof of animals or of any specified description of animals for purposes other than sale, and may by order prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Keeping and Importation of Animals.

144. The committee may make bye-laws for-

- (a) the prohibition and regulation of the keeping of animals in the municipality;
- (b) the inspection and general and sanitary regulation of dairies, stables and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit, and, if the animals are kept for profit, for the regulation of the feeding of such animals and for rendering licences necessary for the same;
- (c) the prohibition and regulation of the importation of animals into the municipality and the transport of animals within the municipality;
- (d) the destruction and confiscation of swine and dogs found straying in the municipality, and the confinement and destruction of dogs suffering or reasonably suspected to be suffering from rabies or bitten by any dogs so suffering or suspected, and the control and muzzling of dogs likely to annoy or intimidate the public, and the destruction of crows and crows' nests;
- (e) the disposal of carcasses of animals dying in the municipality;
- (f) the destruction of any animals in the municipality which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely;
- (g) the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease;
- (h) the prohibition of importation into the municipality, or sale or disposal or use of any animal or the hide, or any portion of the carcasce, of any animal dying or slaughtered on account of, or suffering from, any disease; and
- (i) the segregation of diseased animals.

Deposit of Offensive Matter.

145. (1) The committee shall, subject to any rules made in this behalf by the President of the Union, provide for the cleansing of all streets, drains and public places within the limits of the municipality, and the removal therefrom of all refuse or rubbish of every kind, and shall provide for the removal of all sewage and house refuse of any kind from premises within such limits.

(2) The committee shall provide, and shall equip and maintain in a sanitary condition, sufficient suitable places for the collection, deposit, and disposal of all refuse, rubbish,

sewage and offensive matter, either within the municipality, or, subject to the consent of the District Council or other local authority having jurisdiction or, where no local authority has jurisdiction, of the Deputy Commissioner, outside the municipality.

(3) Where any such local authority or Deputy Commissioner refuses consent, or where there is a dispute as to the suitability of the places so provided outside the municipality or as to the standard of equipment or maintenance thereof, the case shall be referred to the Commissioner, who may overrule all objections of the local authority or Deputy Commissioner, and may decide all other points in dispute.

(4) The committee may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish, sewage or offensive matter may be removed along any street and deposited at such places.

(5) The committee may make bye-laws to provide for the levy of a charge on any person from whose premises garden rubbish or stable or trade refuse is deposited in any street, drain or public place, sufficient to cover the cost of removing and disposing of such rubbish or refuse.

146. The committee may by public notice require the owners or occupiers of buildings or lands, within the whole or any specified portion of the municipal limits, to provide proper receptacles for collecting and keeping rubbish and offensive matter prior to removal by the committee or its agents and to place such receptacles where they may conveniently be emptied by the persons employed by the committee to remove the same.

147. No owner or occupier of any building or land shall keep or allow to be kept, otherwise than in some proper receptacle. any rubbish, offensive matter or sewage in or upon such building or land or shall allow any such receptacle to be in a filthy or noxious state.

148. No person:

(a) shall throw or place any sewage, offensive matter or rubbish on any street, or in any place not provided or appointed for the purpose under the provisions of this Act;

(b) who is the owner or occupier of any building or land, shall allow any sewage or offensive matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish on his premises to be kept in such a state as to be offensive or injurious to health.

Drainage, Sewerage and Water Supply.

149. The committee may, by notice in writing, require the owner of any building to put up and keep in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building, and for discharging the

water so that it shall not fall upon any street or damage any street or any property vested in or belonging to the committee.

150. For the purpose of efficiently draining any building or land the committee may, by notice in writing served on the owner:

(a) require any courtyard, alley or passage between two or more buildings to be paved with such materials and in such manner as may be approved of by it; and

(b) require such paving to be kept in proper repair.

151. The committee may, by notice in writing, require the owner or occupier of any land or building 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:

Provided that if, for the purpose of effecting any drainage under this section, it is necessary to acquire any land not belonging to the person who is required to drain his land, or any easement over land not so belonging, or to pay compensation to any other person, the committee shall acquire such land or pay such compensation.

152. (1) If for any reason it shall appear to a committee that the level of the site of any building is so low that such site cannot be effectively drained and that such building is, or is likely to become, insanitary or to create a nuisance, it shall give to the owner of such building notice in writing, calling upon such owner to show cause in writing within thirty days after the receipt of such notice why the said site, together with such land as in the opinion of the committee may reasonably be required for the proper occupation of the building, should not be reclaimed with such materials and raised to such a height and within such period, being not less than six months from the date of the notice, as it shall think fit.

(2) If no objection is raised by such owner within such period as aforesaid or any objection which is raised by such owner appears to the committee invalid or insufficient, it may, by notice in writing, direct such owner or occupier to carry out such reclamation and raising of the height within the period prescribed.

153. No person shall, except in any area which the committee may, with the previous sanction of the President of the Union, exclude from the operation of this section, make any excavation in any land which is likely to render such land unsuitable for building or to render the effective drainage of such land impracticable.

154. The committee may, without prejudice to the generality of the powers conferred by sections 149, 150, 151, 152 and 153, make bye-laws for:

(a) requiring owners or occupiers of lands and buildings to prevent the collection of water in or on any building or land;

- (b) prohibiting and regulating the collection and storage of water on any premises; and
- (c) in general, the prevention of the breeding of mosquitoes.

155. The committee may, if in its opinion the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within any municipality is injurious to the health of persons dwelling in the neighbourhood, by public notice 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 injury arising therefrom:

Provided that, when on any land to which such public notice applies the act prohibited has been practised during the five years next preceding such public notice in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such public notice.

156. The committee may by public notice prohibit the use of any waterworks, whether public or private, for the supply of water for human consumption and may require the owner thereof to take such steps as may be necessary effectually to prevent such use and, in the case of a water-work vested in or belonging to the committee, may permanently close such water-work.

157. The committee may make bye-laws for:

- (a) the regulation of the use by the public of any water-works vested in or belonging to it;
- (b) the prevention of pollution of any such water-works; and
- (c) the prevention of waste of the water supplied from any such water-works.

158. (1) The committee may, by notice in writing, require the owner of any building or land to provide, in such manner as it may direct, any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-trays or ventilating pipes which should, in its opinion, be provided for such building or land.

(2) The committee may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, sewers, sewerage-connections, cesspools, traps, sinks, sullage-trays, or ventilating-pipes as it may think fit, and to cause the same to be kept in proper order and, in the case of water-closets, latrines, urinals, and privies, to be daily cleansed.

(3) The committee may, by notice in writing, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the

neighbourhood, or to remove or alter, as it may direct, any door or trap-door of a water closet, latrine urinal or privy opening on to any street or drain.

159. (1) The committee may, by notice in writing, require the owner or occupier of any building or land to close, remove, repair, alter or put in good order any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, or other receptacle for sewerage, or any trap, sink, sullage-tray or ventilating pipe belonging thereto.

(2) The committee may, by notice in writing, require any person who makes or alters any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-tray or ventilating pipe without its permission in writing, or contrary to its requisition in writing or to the provisions of this Act, or who constructs, re-erects, or opens any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-tray or ventilating pipe, which it has required to be closed or removed, to demolish such sewerage-connection, water-closet, latrine, urinal, privy, sewer, cesspool, trap, sink, sullage-tray or ventilating pipe, or to make such alteration therein as it may think fit.

160. (1) Where any building or land situated within one hundred feet of a sewer is at any time not provided to the satisfaction of the committee with a sufficient sewerage-connection with such sewer, the committee may, by notice in writing, require the owner of such building or land to make and maintain a sewerage-connection with the sewer in such manner as it may think fit, and within such time, not being less than ninety days, as may be specified in the notice.

(2) The provisions of sections 198 and 199 shall apply to any default in compliance with a requisition under sub-section (1) notwithstanding that part of the land through which the said sewerage-connection is required to pass may not belong to the person so making default, unless such person shall prove that the default was caused by the act of the owner or occupier of such last mentioned land.

161. The committee may cause all or any municipal sewers or drains to empty into any river, creek or other place, whether within or without the municipality, and may dispose of sewage at any place, whether within or without the municipality, and in any manner which it shall deem suitable for such purpose:

Provided that the President of the Union may prohibit the committee from causing any municipal sewer or drain to empty into any place, or from disposing of any sewage at any place or in any manner, which he considers unsuitable.

162. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage the committee may:

(a) construct any work within or without the municipality, and

(b) purchase or take on lease any land, building, engine, material or apparatus either within or without the municipality.

163. Any power conferred by section 161 or 162 shall be exercised in such manner as to create the least practicable nuisance.

164. (1) If it appears to the committee that the only or most convenient means by which the owner of any building or land can make a sewerage-connection or water-connection is by carrying the same into, through, or under land belonging to, or occupied by, another person, the committee, after giving such other person a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to it to be invalid or insufficient, by notice in writing, require such other person to permit the owner first mentioned to carry the sewerage-connection or water connection into, through, or under his land in such manner as shall be specified in the said notice, and on such equitable terms as to compensation for disturbance or temporary damage as to the committee may appear reasonable.

(2) After the service of the said notice the committee may, by an order in writing, authorize the first mentioned owner to carry the sewerage-connection or water-connection into, through, or under the said land in the manner aforesaid, and every such order shall be a complete authority to the person in whose favour it is made or to any agent or person employed by him for this purpose, after giving to such other person as aforesaid reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen at any time between sunrise and sunset, and to construct the said sewerage connection or water-connection, and thereafter, upon the necessity arising and after the like notice, to repair and alter the same, or to construct a new sewerage-connection or water-connection in place thereof in such manner and at such time as aforesaid.

165. All compensation payable to such other person as aforesaid under the foregoing section shall be paid by the committee out of the municipal fund, and the committee may recover the amount from the first-mentioned owner.

166. If it appears to the committee that it is desirable to use an existing sewerage connection for the purpose of connecting any building or land with the sewers, or to use an existing water-connection for the purpose of supplying water to any building or land, the committee may, by notice in writing, require the owner of such sewerage-connection or water-connection to allow a connection therewith to be made on such terms as may to it seem equitable:

Provided that the owner of such sewerage-connection or water-connection may refuse to allow the connection to be made until any payment to which he may be entitled in respect thereof has been made by the committee, which payment may be recovered by the committee from the owner of any building or land served by the connection made under the circumstances aforesaid.

Dangerous and Epidemic Diseases.

167. In the event of any person within the municipality, other than a patient in a public hospital, being attacked with any dangerous disease, each of the following persons, namely:-

(a) every registered medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(b) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(c) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made, to the Health Officer or any officers authorized by him to receive such reports or, if there is no Health Officer, to such officers as the committee may appoint in this behalf:

Provided that no person shall be bound to make such report, or cause such report to be made, if he has reason to believe that such report has been made by some other person.

168. The Health Officer, and any Assistant Health Officer or Inspector of Public Health, or any medical officer of Government authorized by the committee or by the President of the Union in this behalf, may at any time enter and inspect any building where there is reason to believe that there is any person suffering from a dangerous disease in respect of whom no report has been made under section 167.

169. When any person suffering from any dangerous disease is:

(a) without proper lodging or accommodation, or

(b) living in a Zayat or inn, or in a building registered as a lodging-house in pursuance of bye-laws under section 116, sub-section (2), or

(c) living in a room or house which he neither owns nor pays rent for, the Health Officer, or if there is no Health Officer, any officer authorized by the committee in this behalf, may remove or cause to be removed such person to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal, and no person so removed shall leave such hospital without the permission of the medical officer in charge thereof.

170. (1) No person suffering from any dangerous disease shall willfully expose himself without proper precautions against spreading the said disease in any street, public place, shop or public conveyance, or enter any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering.

(2) No person being in charge of any person so suffering shall so expose the sufferer.

(3) No person shall give, lend, sell, keep, transmit or expose, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disease.

171. Every owner, puller or driver of a public conveyance which has to his knowledge conveyed any person suffering from any dangerous disease shall disinfect such conveyance to the satisfaction of the Health Officer or, if there be no Health Officer, of the officer authorized by the committee in this behalf, and the Health Officer or any person authorized by him, or such officer, as the case may be, may inspect the process of disinfection, but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense likely to be incurred by him in complying with the provisions of this section.

172. The Health Officer, and any other officer of the committee authorized by it in this behalf, may require the owner or occupier of any building in which a case of dangerous disease has occurred immediately to disinfect the whole or any part of such building in such manner and with such materials as he may deem necessary.

173. In the event of the municipality being at any time visited or threatened with an outbreak of any dangerous disease, the Chairman, if he is of the opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, may -

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

174. (1) If the committee is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, it may, after giving to the owner or occupier of such hut or shed such previous notice of its intention as may in the circumstances of the case appear to it reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) If the committee is of opinion that the disinfection or destruction of any clothing, bedding or other articles which have become infected with disease, or are reasonably suspected to have become so infected, is necessary to prevent the spread of any dangerous disease, it may cause such clothing, bedding or other articles to be seized and destroyed or disinfected.

(3) Compensation may be paid by the committee, in any case in which it thinks fit, to any person who sustains substantial loss by the destruction of any such hut, shed, clothing,

bedding or other articles; but except as so allowed by the committee, no claim for compensation shall lie for any loss or damage caused by an exercise of the power conferred by this section.

175. On the occurrence of any sudden accident or unforeseen event, or in the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property, or danger to human or animal life, the Chairman or, in his absence the Vice-Chairman, shall, if he is of opinion that the ordinary provisions of this Act or any other law for the time being in force are insufficient to secure the safety of life and property, take such action as the emergency shall appear to him to justify or to require.

176. Whenever the Chairman or Vice-Chairman takes any action under section 173 or 175 he shall immediately report to the committee the action he has taken, the reasons therefore and the cost incurred thereby; and he shall comply with any directions given him by the committee in respect of such matter.

177. Nothing in sections 173, 174, 175 and 176 shall be deemed to affect the provisions of the -Epidemic Diseases Act.

178. The Director of Public Health, Burma, may, if in his opinion the measures taken by the Chairman, Vice-Chairman or the committee under sections 173, 174 or 175 are insufficient, issue directions to the committee and in the event of non-compliance by the committee with such directions, may authorize the Deputy Commissioner or an Assistant Director of Public Health to exercise all the powers of the Chairman, Vice-Chairman, and committee under those sections.

Entry and Inspection.

179. Any municipal officer duly authorized to make inspections or surveys or execute any works may enter into or upon any building or land, with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act:

Provided that, except where it is in this Act otherwise expressly provided:

- (i) no such entry shall be made between sunset and sunrise;
- (ii) no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than six hours' previous written notice of the intention to make the said entry, and, unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof;
- (iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed; and

(iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

180. (1) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 140, the Health Officer or any other officer or servant of the committee authorized by the Health Officer or by the committee in this behalf may, at any time by day or night, enter into and inspect any such place or premises and may seize any animal or the carcass of any slaughtered animal found therein.

(2) The said officer may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal seized under sub-section (1), and shall place in deposit in the municipal fund the proceeds of any such sale.

(3) If the owner of any animal or carcass so seized fails to appear within one month from the date of such seizure, and prove his claim to the satisfaction of the committee, or if such owner is convicted of an offence under this Act with respect to such animal or carcass, the proceeds of the aforesaid sale shall vest in the committee.

(4) If the owner of any animal or carcass so seized appears and proves his claim to the animal or carcass or to the proceeds of the sale thereof to the satisfaction of the committee within one month from the date of such seizure, the committee shall, if it does not prosecute such owner or if as a result of the institution of a prosecution such owner is acquitted or discharged pay to such owner the proceeds of the sale, if any, of such animal or carcass.

181. (1) If there are reasonable grounds for believing that any animal is being kept in any place or premises in contravention of any bye-law made under section 144, the Health Officer or any officer or servant authorized by the Health Officer or by the committee in this behalf may, at any time by day or night, enter into and inspect any such place and may seize and remove such animal found therein.

(2) If the owner of any animal seized under this section fails to appear and substantiate his claim to the animal to the satisfaction of the committee within one month from the date of seizure, the committee shall have power to sell such animal by auction or otherwise and the proceeds of such sale shall be at the disposal of the committee.

(3) If the owner of any animal seized under this section appears and substantiates his claim to the animal to the satisfaction of the committee within one month from the date of seizure, the animal shall be returned to him on payment of the ordinary charges leviable under the Cattle Trespass Act, section 5, but it shall be open to the committee to prosecute him for breach of bye-law under section 144.

182. (1) The Health Officer or any other officer of the committee authorized by it in this behalf may, at all reasonable times, enter into and inspect any market, building, shop,

stall or place used for the sale of any kind of food, drink or drugs for man, or for the preparation, manufacture or storage of the same for sale, or as a slaughter-house, and inspect and examine any food, drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefore or to have been manufactured or exposed for sale in contravention of any bye-laws made under sections 139, 142 or 144, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its exposure for sale or its use for such consumption; and, in case any drug is reasonably suspected to be 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 therefore, and may cause it to be brought before a Magistrate for inquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Explanation - Meat into which air has been blown, or which has been watered in order to make it appear fresher than it really is, shall be deemed to be unfit for human food.

(2) The Health Officer or any other officer of the committee authorized by it in this behalf may, at all reasonable times, enter into and inspect any premises, for the licensing or regulation of which bye-laws have been made under sections 116, 117, 118, 126, 132, 134, 135, 137, 139, 142 and 144.

183. (1) The Health Officer or any other officer of the committee authorized by it in this behalf may, after giving six hours' notice in writing to the occupier of any land or building in which any sewers, sewerage connections, privies or cesspools are situated, inspect any such sewers, sewerage-connections, privies or cesspools at any time between sunrise and sunset and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the sewers, sewerage-connections, privies or cesspools.

(2) If, 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 if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

184. The Health Officer or any other officer of the committee authorized by it in this behalf may, after giving twenty-four hours' notice in writing to the occupier or, if there is no occupier to the owner of any building or land, at any time between sunrise and sunset, enter and inspect the building or land for the purpose of ascertaining whether any of the provisions of this Chapter or of any bye-law thereunder have been complied with, or generally for the purpose of ascertaining the sanitary condition of such building or land.

185. The persons employed by the committee for the collection and removal of sewage, offensive matter and rubbish may enter any building, water-closet, latrine, urinal, privy,

sewer, cesspool, dust-bin, or other receptacle for sewage or offensive matter or rubbish, or enter on any land at all reasonable times, in so far as may be necessary for the proper discharge of those duties; and the Health Officer or any other officer of the committee authorized by it in this behalf may enter on such property at all reasonable times for the purpose of ascertaining whether such duties have been duly performed.

186. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice in writing to the occupier or, if there is no occupier to the owner, at any time between sunrise and sunset:

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation; and
- (c) enter any building or land for the purpose of ascertaining the course of sewers, sewerage-connections, water-works and water connections, or repairing any work which it is by this Act empowered to execute or maintain:

Provided that, in the exercise of these powers, the committee shall do as little damage as may be. and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such- compensation shall be determined. as nearly as may be in accordance with the provisions of the Land Acquisition Act.

187. In cases of emergency the Chairman, or in his absence the Vice-Chairman, of the committee may direct the execution of any work or the doing of any act which the committee is empowered by the foregoing provisions of this Act 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 paid from the municipal fund:

Provided that:

- (a) no order shall be made under this section in contravention of any order of the committee passed at a meeting; and
- (b) every order made under this section, and all proceedings consequent thereon, shall be reported to the committee at its next meeting.

188. When any building used as a human dwelling is entered under this Act, 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 under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

189. No person shall prevent any person duly authorized in that behalf from exercising his power under this Act of entering on any land or into any building.

190. No person shall obstruct or molest any person, with whom the committee has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act.

Extinction of Fire.

191. (1) For the prevention and extinction of fire the committee may establish and maintain a fire-brigade, and may provide any implements, machinery or means of communicating intelligence which it may think necessary for the efficient discharge of their duties by the brigade.

(2) The committee may recognize and aid a volunteer fire-brigade, and make bye-laws for the guidance, training, discipline and conduct of the members thereof.

192. (1).On the occasion of a fire the person directing operations for extinguishing or arresting the fire or for saving life or property being:

(i) a Magistrate, or

(ii) a police-officer of or above the rank of Inspector, or

(iii) a member or officer of the committee, or

(iv) a member of a fire-brigade maintained or aided by the committee, may give orders for the following matters:-

(a) the removal of any person who by his presence interferes with or impedes such operations;

(b) the closure of any street or passage in or near which the fire is burning;

(c) the breaking into or through or demolition of any premises, or the use thereof for the passage of any hose or other appliance, and the taking of water from any stream, tank, cistern, well or other source or store of water, whether public or private property;

(d) the closure of mains and pipes so as to give greater pressure of water in or near the place where the fire has occurred;

(e) the rendering of such assistance as he may deem advisable by the persons in charge of any fire-engine or others; and

(f) generally such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him in good faith under sub-section (1).

(3) Any damage caused by the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(4) Every person empowered by sub-section (1) to do any of the acts enumerated therein shall in that behalf for the purposes of Chapter X of the Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code.

193. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rules made in this behalf by the President of the Union.

194. Sections 191, 192 and 193 shall not take effect in any municipality until they have been specially declared to apply thereto by the President of the Union at the request of the committee.

Additional Power to make Bye-laws.

195. The committee may, from time to time, at a special meeting, make bye-laws:

(a) for rendering licences necessary for the proprietors or drivers of vehicles, boats or beasts plying for hire within the limits of the municipality, and for fixing the fees payable for such licences and the conditions on which they shall be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of beasts hired to carry loads, or for the service of persons hired to carry loads, and the loads to be carried by such conveyances, beasts or persons, where they 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;

(c) for rendering licences necessary for pawn-brokers and determining by public auction or otherwise the amount to be paid for any such licence and the conditions subject to which they shall be granted and may be revoked:

Provided that the committee may, for sufficient reason and with the prior sanction of the Commissioner, remit any portion of the licence fee payable by the pawn-broker;

(d) for the inspection and proper regulation of camping grounds, pounds, zayats, wharves not within the limits of any port, markets, wash-houses, washerman's tanks and public washing and bathing places;

(e) for controlling and regulating the use of any public river, creek or stream, and the foreshore and banks thereof, within the municipality and not included within the limits of a port, and for levying fees for the use of such public river, creek or stream;

(f) for the holding of fairs and industrial exhibitions within the municipality and under the committee's control;

(g) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the, municipality;

(h) for requiring occupiers of houses to keep ready at hand buckets or pots of water, hooks, bamboo-flappers, and other appliances for extinguishing small fires;

(i) (i) for prescribing, notwithstanding the provisions of the Weights and Measures of Capacity Act, the standard weights and measures to be used within the municipality, and for making the use of such standards compulsory; and

(ii) for preventing and detecting the use of false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, food, drink or drug;

(j) for protecting from injury or interference anything within the municipality which is the property of the committee;

(k) for regulating or prohibiting the exposure of goods for sale on the streets and for levying fees from persons setting up stalls or otherwise selling goods on streets;

(l) for regulating or prohibiting the use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting upon any street or place which persons are entitled to use or frequent; and

(m) generally, for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act is in force shall not make bye-laws under clauses (a) and (b) in respect of any vehicles to which that Act applies.

196. Where under any section of this Act power is conferred on the committee to make bye-laws for the issue of a licence, such bye-laws may prescribe and fix:-

(a) a fee for any licence; and

(b) an fee for any inspection required by such bye-law as a preliminary to the issue or renewal of such licence.

Supplemental.

197. (1) No bye-law made under any section of this Chapter shall come into force until it has been confirmed by the President of the Union.

(2) The President of the Union may, by notification, cancel the confirmation of any such bye-law, and thereupon such bye-law shall cease to have effect.

198. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, such notice shall fix a reasonable time for doing the same:

Provided that it shall rest with the Court to determine, in any case in which the question arises, whether the time so fixed was a reasonable time within the meaning of this Act.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon such land or building, the committee may, after six hours' notice, by its officers cause such act to be done.

199. (1) Where under this Act the owner or occupier of property is required by the committee to execute any work and makes default in complying with such requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If 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 from time to time becoming due from him to the owner of the property in respect of which the payment is made or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay under sub-section (2) any sum greater 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 after notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application 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 due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) Nothing in this section shall affect any contract between an owner and an occupier.

200. (1). The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers and servants, under this Act, and shall make such compensation where the person sustaining

the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree upon, or in default of agreement in the manner provided by the Land Acquisition Act, so far as the provisions of the said Act can be made applicable.

201. (1) Any person aggrieved by any order made by the committee under the powers vested in it by section 119, section 130, section 138, section 149 or section 150, may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner, according as the President of the Union may direct in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the Deputy Commissioner is himself a member of the Committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for an appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be set aside until the appellant and the committee have had a reasonable opportunity of being heard.

CHAPTER VII OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE

202. Whoever:

(a) contravenes, or fails to comply with, any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any rule or bye-law made thereunder; or

(b) fails to comply with any direction lawfully given to, or requisition lawfully made upon him, under any of the said provisions, shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation - The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and

clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column:

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Fine which may be imposed</i> |
|---------------------------------------|--|----------------------------------|
| Section 107, sub-section (1) | Notice requiring removal or alteration of projection, encroachment or obstruction | One Hundred Rupees |
| Section 107, sub-section (2) | Prohibition of encroachments on, and obstruction of public streets | One Hundred Rupees |
| Section 110 | Prohibition of disposal of land for construction of buildings not abutting on street without constructing street giving access thereto | One Hundred Rupees |
| Section 111, sub-section (4) | Prohibition of making of new private street without or otherwise than in conformity with orders of committee | One Hundred Rupees |
| Section 115 | Bye-laws for control of buildings | One Hundred Rupees |
| Section 116, sub-section (1) | Prohibition of keeping unlicensed lodging-house | One Hundred Rupees |
| Section 116, sub-section (2) | Bye-laws relating to lodging houses | One Hundred Rupees |
| Section 117 | Bye-laws for the inspection and general and sanitary regulation of theatres, music halls, etc, regulating the holding of entertainment therein and rendering licences necessary for keeping such buildings | One Hundred Rupees |
| Section 118 | Bye-laws for prevention of overcrowding of buildings, removal or improvement of insanitary or dangerous buildings and cleansing, lime washing or painting of buildings | One Hundred Rupees |
| Section 119 | Notice prohibiting the use of building unfit for human habitation | One Hundred Rupees |
| Section 120 | Notice requiring removal of building, wall, structure etc, in ruinous or dangerous state | One Hundred Rupees |
| Section 121 | Notice requiring dangerous wells, tanks or other excavations to be repaired, protected or enclosed | One Hundred Rupees |
| Section 122 | Notice requiring the fencing of land and repairing of existing fences | One Hundred Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Fine which may be imposed</i> |
|---------------------------------------|--|----------------------------------|
| Section 123 | Notice requiring owner or occupier of building or land to clear away noxious vegetation etc, to cut or trim hedges or branches of trees and to put filthy or unwholesome building in proper state. | One Hundred Rupees |
| Section 124 | Bye-laws for the sanitary and general regulation of public parks and recreation grounds | One Hundred Rupees |
| Section 126, sub-section (1) | Prohibition of establishing public camping ground or halting place for vehicles of animals, without licence | One Hundred Rupees |
| Section 126, sub-section (2) | Bye-laws prescribing conditions applicable to licences issued under sub-section (1) and for the general and sanitary regulation of camping grounds and halting places | One Hundred Rupees |
| Section 127, sub-section (1) | Prohibition of bathing or the washing of animals or clothes in public places not set apart therefore or of other acts specified in public notice | One Hundred Rupees |
| Section 127, sub-section (3) | Bye-laws for the management and regulation of bathing and washing places | One Hundred Rupees |
| Section 128 | Prohibition of keeping corpses unburied beyond specified period | One Hundred Rupees |
| Section 130, sub-section (1) | Closure and formation of burial and burning grounds | One Hundred Rupees |
| Section 130, sub-section (3) | Prohibition of formation of new burial or burning grounds without permission | One Hundred Rupees |
| Section 131 | Notice prescribing routes for removal of corpses to burial or burning grounds | One Hundred Rupees |
| Section 132 | Bye-laws for registration of births and deaths and taking of a census | One Hundred Rupees |
| Section 133 | Bye-laws for registration of births and deaths and taking of a census | One Hundred Rupees |
| Section 134, sub-section (1) | Prohibition of keeping open etc, without licence, private markets | One Hundred Rupees |
| Section 134, sub-section (4) | Bye-laws for the management and sanitary and general regulation of markets | One Hundred Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Fine which may be imposed</i> |
|---------------------------------------|--|----------------------------------|
| Section 135 | Bye-laws for regulation of stalls or booths | One Hundred Rupees |
| Section 136 | Prohibition of obstructions in streets, drains, wells or channels | One Hundred Rupees |
| Section 137, sub-section (1) | Prohibition of carrying on of offensive or dangerous trades without licence | Five Hundred Rupees |
| Section 137, sub-section (2) | Bye-laws prescribing the general conditions applicable to licences issued under sub-section (1) and special conditions for the storage of any article or carrying on any trade or operation | Five Hundred Rupees |
| Section 138 | Notice requiring the discontinuance of use of place licensed under section 137 | Five Hundred Rupees |
| Section 139 | Bye-laws for inspection and general and sanitary regulation of milk-sellers, bakeries, public eating houses, refreshment stalls and aerated water and ice factories, and for the licensing thereof | One Hundred Rupees |
| Section 140 | Prohibition of establishment of slaughter houses | One Hundred Rupees |
| Section 142 | Bye-laws for management and sanitary and general regulation of slaughter houses or of any slaughter house, and of the slaughtering of animals therein etc | One Hundred Rupees |
| Section 143 | Prohibition or regulation of slaughter of animals when breach of peace is imminent | Five Hundred Rupees |
| Section 144 | Bye-laws for prohibition and regulation of keeping, importation, etc, of animals, destruction of swine, dogs, crows, crows' nests and disposal of carcasses etc | One Hundred Rupees |
| Section 145 | Notice giving directions as to removal and deposit of rubbish and offensive matter | One Hundred Rupees |
| Section 146 | Notice requiring provision of proper receptacles for rubbish and offensive matter | One Hundred Rupees |
| Section 147 | Prohibition of keeping rubbish, offensive matter or sewerage otherwise than in proper receptacle or allowing receptacle to be in filthy or noxious state | One Hundred Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Fine which may be imposed</i> |
|---------------------------------------|---|----------------------------------|
| Section 148 | Prohibition of accumulation of offensive matter | One Hundred Rupees |
| Section 149 | Notice requiring provision of troughs and pipes for rain water | One Hundred Rupees |
| Section 150 | Notice requiring pavement of courtyard, alley or passage between buildings for efficient drainage | One Hundred Rupees |
| Section 151 | Notice requiring the cleansing off of private tanks, wells, reservoirs, pools or excavations therein | One Hundred Rupees |
| Section 152 | Notice directing the carrying out of reclamation of low-lying sites | One Hundred Rupees |
| Section 153 | Prohibition of making excavation in any land rendering such land unsuitable for building or the effective drainage thereof impracticable | One Hundred Rupees |
| Section 154 | Bye-laws requiring prevention of overcrowding of buildings, prohibiting storage of water and for prevention of the breeding of mosquitoes | One Hundred Rupees |
| Section 155 | Notice prohibiting the cultivation of crops, use of manure or irrigation of land injurious to health | One Hundred Rupees |
| Section 156 | Notice prohibiting the use of public or private water works | One Thousand Rupees |
| Section 157 | Bye-laws for regulating the use, etc of water works | One Thousand Rupees |
| Section 158, sub-section (1) | Notice requiring provision of water closets, latrines, urinals, privies, sewers etc, for building or lands | One Hundred Rupees |
| Section 158, sub-section (2) | Notice requiring employers of more than twenty workmen or labourers to provide water closets, latrines etc | One Hundred Rupees |
| Section 158, sub-section (3) | Notice requiring provision of water closets, latrines, urinals or privies to be shut out from view by roof, wall or fence | One Hundred Rupees |
| Section 159, sub-section (1) | Notice requiring water-closets, latrines, urinals etc, to be closed, removed, repaired, altered or put in good order | One Hundred Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Fine which may be imposed</i> |
|---------------------------------------|---|----------------------------------|
| Section 159, sub-section (2) | Notice requiring demolition of alteration of water closets, latrines, urinals etc, made without permission or contrary to bye-law, directions etc | One Hundred Rupees |
| Section 160 | Notice requiring making and maintaining of sufficient sewerage connection with sewer | One Hundred Rupees |
| Section 164 | Notice requiring carriage of sewerage connection or water connection through adjoining land | One Hundred Rupees |
| Section 166 | Notice requiring connection with existing water connection or sewerage connection | One Hundred Rupees |
| Section 167 | Obligation to report outbreak of dangerous disease | Five Hundred Rupees |
| Section 169 | Prohibition of person suffering from dangerous disease from leaving hospital without permission | Five Hundred Rupees |
| Section 170 | Prohibition of exposure of person suffering from dangerous disease or of things exposed to infection | Five Hundred Rupees |
| Section 171 | Disinfection of conveyance used by person suffering from dangerous disease | One Hundred Rupees |
| Section 172 | Requisition for immediate disinfection of whole or part of any building in which dangerous disease has occurred | One Hundred Rupees |
| Section 195, clause (c) | Bye-laws for licensing of pawn-brokers | Five Hundred Rupees |

203. Whoever, after having been convicted of:

(a) contravening, or failing to comply with, any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any rule or bye-law lawfully made thereunder, or

(b) failing to comply with any direction lawfully given to or requisition lawfully made upon him under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with line which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation - The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column:

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Daily fine which may be imposed</i> |
|---------------------------------------|---|--|
| Section 107, sub-section (1) | Notice requiring removal or alteration of projection, encroachment or obstruction | Ten Rupees |
| Section 107, sub-section (2) | Prohibition of encroachment on and obstruction of, public streets | Ten Rupees |
| Section 111, sub-section (4) | Prohibition of making of new private street without, or otherwise than in conformity with, orders, of committee | One Hundred Rupees |
| Section 115 | Bye-laws for control of buildings | Ten Rupees |
| Section 116, sub-section (1) | Prohibition of keeping unlicensed lodging-house | Ten Rupees |
| Section 116, sub-section (2) | Bye-laws relating to lodging-houses | Ten Rupees |
| Section 117 | Bye-laws for the inspection and general and sanitary regulations of theatres, music-halls, etc, for regulating the holding of entertainments therein and rendering licenses necessary for the keeping of such buildings | Ten Rupees |
| Section 118 | Bye-laws for prevention of overcrowding of buildings, removal or improvement of insanitary or dangerous buildings and cleansing, lime-washing or painting of buildings | Ten Rupees |
| Section 119 | Notice prohibiting the use of building unfit for human habitation | Fifty Rupees |
| Section 120 | Notice requiring removal of building wall, structure etc, in ruinous or dangerous state | Ten Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Daily fine which may be imposed</i> |
|---------------------------------------|---|--|
| Section 121 | Notice requiring dangerous wells, tanks or other excavations to be repaired, protected or enclosed | Ten Rupees |
| Section 122 | Notice requiring the fencing of land and repairing of existing fences | Ten Rupees |
| Section 123 | Notice requiring owner or occupier of building or land to clear away noxious vegetation etc, to cut or trim hedges or branches of trees and to put filthy or unwholesome building in proper state | Ten Rupees |
| Section 124 | Bye-laws for the sanitary and general regulation of public parks and recreation grounds | Ten Rupees |
| Section 126, sub-section (1) | Prohibition of establishing public camping ground or halting place for vehicles or animals without licence | Ten Rupees |
| Section 126, sub-section (2) | Bye-laws prescribing conditions applicable to licences issued under sub-section (1) and for the general and sanitary regulation of camping grounds and halting places | Ten Rupees |
| Section 127, sub-section (1) | Prohibition of bathing or the washing of animals or clothes in public places not set apart therefore, or of other acts specified in public notice | Ten Rupees |
| Section 127, sub-section (3) | Bye-laws for the management and regulation of bathing and washing places | Ten Rupees |
| Section 128 | Prohibition of keeping corpses unburied beyond specified period | Ten Rupees |
| Section 130, sub-section (1) | Closure and formation of burial and burning grounds | Ten Rupees |
| Section 130, sub-section (3) | Prohibition of formation of new burial or burning grounds without permission | Ten Rupees |
| Section 132 | Bye-laws for controlling and regulating the use and management of burial and burning grounds | Ten Rupees |
| Section 134, sub-section (1) | Prohibition of keeping open etc, without licence private markets | Fifty Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Daily fine which may be imposed</i> |
|---------------------------------------|--|--|
| Section 134, sub-section (4) | Bye-laws for the management and sanitary and general regulation of markets | Ten Rupees |
| Section 135 | Bye-laws for regulation of stalls or booths | Ten Rupees |
| Section 136 | Prohibition of obstruction in streets, drains, wells or channels | Ten Rupees |
| Section 137, sub-section (1) | Prohibition of carrying on of offensive or dangerous trades without licence | Fifty Rupees |
| Section 137, sub-section (2) | Bye-laws prescribing the general conditions applicable to licences issued under sub-section (1) and special conditions for the storage of any article or carrying on any trade or operation | Fifty Rupees |
| Section 138 | Notice requiring the discontinuance of use of place licensed under section 137 | Fifty Rupees |
| Section 139 | Bye-laws for inspection and general and sanitary regulation of milk-sellers, bakeries, public eating-houses, refreshment stalls, and aerated water, and ice factories, and for the licensing thereof | Ten Rupees |
| Section 140 | Prohibition of establishment of slaughter houses | Ten Rupees |
| Section 142 | Bye-laws for management and sanitary and general regulation of slaughter houses or of any slaughter houses and of the slaughtering of animals therein etc | Ten Rupees |
| Section 143 | Prohibition or regulation of slaughter of animals when breach of peace is imminent | Ten Rupees |
| Section 144 | Bye-laws for prohibition and regulation of keeping, importation etc of animals, destruction of swine, dogs, crows, crows' nests and disposal of carcasses etc | Ten Rupees |
| Section 146 | Notice requiring provision of proper receptacles for rubbish and offensive matter | Ten Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Daily fine which may be imposed</i> |
|---------------------------------------|---|--|
| Section 147 | Prohibition of keeping rubbish, offensive matter or sewerage otherwise than in proper receptacle, or allowing receptacle to be in filthy or noxious state | Ten Rupees |
| Section 149 | Notice requiring provisions of troughs and pipes for rain water | Ten Rupees |
| Section 150 | Notice requiring pavement of courtyard, alley or passage between buildings for efficient drainage | Ten Rupees |
| Section 151 | Notice requiring the cleansing, repairing, covering, filling up or draining off of private tanks, wells, reservoirs, pools or excavation therein | Ten Rupees |
| Section 152, sub-section (2) | Notice directing the carrying out of reclamation of low-lying sites | Ten Rupees |
| Section 153 | Prohibition of making excavation in any land rendering such land unsuitable for building or the effective drainage thereof impracticable | Ten Rupees |
| Section 154 | Bye-laws requiring prevention of overcrowding of buildings, prohibiting storage of water and for prevention of the breeding of mosquitoes | Ten Rupees |
| Section 155 | Notice prohibiting the cultivation of crops, use of manure or irrigation of lands injurious to health | Ten Rupees |
| Section 156 | Notice prohibiting the use of public or private water works | One Hundred Rupees |
| Section 157 | Bye-laws for regulating the use etc, of water works | One Hundred Rupees |
| Section 158, sub-section (1) | Notice requiring provision of water closets, latrines, urinals, privies, sewers etc, for building or lands | Ten Rupees |
| Section 158, sub-section (2) | Notice requiring employers of more than twenty workmen or labourers to provide water closets, latrines etc | Ten Rupees |
| Section 158, sub-section (3) | Notice requiring water closets, latrines, urinals or privies to be shut out from view by roof, wall or fence | Ten Rupees |

| <i>Section, sub-section or clause</i> | <i>Subject</i> | <i>Daily fine which may be imposed</i> |
|---------------------------------------|--|--|
| Section 159, sub-section (1) | Notice requiring water closets, latrines, urinals etc to be closed, removed, repaired, altered or put in good order | Ten Rupees |
| Section 159, sub-section (2) | Notice requiring demolition or alteration of sewerage connection, water closets, latrines, urinals etc made without permission or contrary to bye-laws, directions etc | Ten Rupees |
| Section 160 | Notice requiring making and maintaining of sufficient sewerage connection with sewer | Ten Rupees |
| Section 164 | Notice requiring carriage of sewerage connection or water connection through adjoining land | Ten Rupees |
| Section 166 | Notice requiring connection with existing water connection or sewerage connection | Ten Rupees |
| Section 170 | Prohibition of exposure of persons suffering from dangerous disease of things exposed to infection | Fifty Rupees |
| Section 171 | Disinfection of conveyance used by person suffering from dangerous disease | Ten Rupees |
| Section 172 | Requisition for immediate disinfection of whole or part of any building in which dangerous disease has occurred | Ten Rupees |
| Section 195, clause (c) | Bye-laws for licensing of pawn-brokers | Fifty Rupees |

204. Whoever contravenes any of the provisions of section 189 or 190 or any regulation prescribed under section 173 may be punished for each such offence with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

205. Whoever contravenes or fails to comply with any notice, direction, requisition or bye-law made or issued by the committee under this Act may, if no penalty for such contravention or failure is provided by this Act, be punished with fine which may extend to one hundred rupees, and shall further be punished for each day that he continues so to offend with a fine which may extend to ten rupees.

206. A prosecution for an offence consisting in the failure to comply with or contravention of any order which is appealable shall, if and when the Court learns that an appeal has been instituted against such order, be stayed pending such appeal.

207. Whoever drives any vehicle after dark in any street, unless the vehicle is properly supplied with lamps, shall be punishable with fine which may extend to twenty rupees.

208. Whoever discharges fire-arms or lets off fire-works or fire-balloons, without the permission of such officer as the President of the Union may appoint in this behalf for in a place other than that specified by such officer and whoever engages in any game in such manner as to cause, or be likely to cause, danger 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.

209. Whoever allows any animal in his possession or under his control and power to stray into or be loose in any street, or in any unfenced place adjacent to a street, and whoever fastens or tethers any such animal so near to any street as to render it possible for it to enter into such street, shall be punishable with fine which may extend to twenty rupees.

210. Whoever, in contravention of a public notice issued by the committee under section 100, rides, drives or leads any animal or vehicle, shall be punishable with fine which may extend to twenty rupees.

211. 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.

212. Whoever in a public place, without being authorized by the committee, defaces or disturbs any direction post or lamp-post or fence, or injures any tree or gabion, or extinguishes any light, shall be punishable with fine which may extend to ten rupees.

213. Whoever destroys, pulls down, or defaces any name or number affixed by order of the committee under section 103, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

214. (1) Whoever, not being authorized by law so to do, affixes any poster, advertisement or notice on any public property without the consent of the person in charge thereof, or on any private property without the consent of the owner or occupier thereof, shall be punishable with fine which may extend to twenty rupees.

(2) Any person by whose direction any such poster, advertisement or notice is so affixed shall be punishable as if he himself had affixed the same.

[Repealed by Act XXIV, 1949]

CHAPTER VIII
CONTROL

218. (1) The Commissioner or the Deputy Commissioner may:

(a) enter on and inspect, or cause to be entered on and inspected, any immovable property situate within the limits of his division or district, as the case may be, and occupied by any committee, hospital sub-committee [...] [Deleted by Act LII, 1950] or joint committee, or any work which is in progress within such limits under the direction of any such committee, sub-committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee, sub-committee or joint committee having authority within such limits;

(c) require any such committee, sub-committee or joint committee to furnish such statements, accounts, reports, and copies of documents relating to the proceedings or duties of such committee, sub-committee or joint committee as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee, sub-committee or joint committee, any observations he may think proper in regard to the proceedings or duties at such committee, sub-committee or joint committee:

Provided that:

(i) when the Deputy Commissioner is a member of a committee, sub-committee or joint committee, he shall not exercise, in respect of that committee, sub-committee or joint committee, the powers conferred upon him by this section; and

(ii) in the case of any municipality, the President of the Union may, by notification in the Gazette, direct that all or any of the powers conferred on the Commissioner and Deputy Commissioner by this section shall be exercised by him alone, and not by such Commissioner and Deputy Commissioner.

(2) When the President of the Union, the Commissioner or Deputy Commissioner requests the committee to consider any observations under sub-section (1), clause (d), nothing in any bye-law made under section 31 shall prevent such consideration.

219. (1) The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of his division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit the doing within such limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, such 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 serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When the Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it and of any representations regarding it submitted to him by the committee, to the President of the Union, who may thereupon rescind the order or direct that it shall continue in force, with or without modification, permanently or for such period as he may think fit.

220. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act which a committee is empowered to execute or to 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 such work or doing such act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy 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 preference to any or all other charges against the same.

(5) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

221. (1) If at any time it appears to the President of the Union that the committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the President of the Union may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the President of the Union may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as the President of the Union may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the President of the Union, 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 preference to any or all other charges against the same.

222. (1) The President of the Union and the Commissioner and Deputy Commissioner, within their respective jurisdictions, acting under the orders of the President of the Union, shall be bound to require the proceedings of every committee to be in conformity with law and with any rules in force under any enactment for the time being applicable to the Union of Burma generally or to the area over which such committee has authority.

(2) The President of the Union may exercise all powers necessary for the performance of the duty, and may, amongst other things, by order in writing annul or modify any proceeding which he may consider not to be in conformity with law or with any such rules as aforesaid.

(3) The Commissioner and the Deputy Commissioner may, within their respective jurisdictions, for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the President of the Union.

223. (1) If the committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the President of the Union may, by an order published, with the reasons for making it, in the Gazette, declare the-committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and direct its supersession for a period to be specified in such order.

(2) When the committee is so superseded, the following consequences shall ensue, namely:

(a) all members of the committee shall, as from the date of the order published under sub-section (1), 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 President of the Union shall appoint in that behalf; and

(a) all property vested in the committee shall, during the period of supersession, vest in the [State] [Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order, 1948];

(3) On the expiration of the period of supersession specified in the order published under sub-section (1), the committee shall be re-constituted, and the persons who vacated their offices under sub-section (2), clause (a), shall not, if otherwise qualified, be deemed disqualified from being members thereof.

224. (1) If any dispute for the decision of which this Act does not otherwise provide arises between the committee and any other local authority, it shall be referred:

(1) to the Deputy Commissioner if the local authorities concerned are in the same district;

(b) to the Commissioner if the local authorities concerned are in different districts of the same division;

(c) to the President of the Union if the local authorities concerned are in different divisions.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in sub-section (1), clause (a), the Deputy Commissioner is one of the persons constituting any of the local authorities concerned, his functions under this section shall be discharged by the Commissioner.

225. (1) The Committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the President of the Union in this behalf, submit to the President of the Union a statement of its receipts and disbursements in such form as the President of the Union may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of:

(a) all receipts of the water-tax and all expenditure on the purposes for which the water-tax is levied;

(b) all receipts of the lighting-tax and all expenditure on the purposes for which the lighting-tax is levied;

(c) all receipts of the latrine-tax, and all expenditure on the purposes for which the latrine-tax is levied;

(d) all receipts of the scavenging-tax, and all expenditure on the purposes for which the scavenging-tax is levied; and

(e) [...] [Deleted by Act LII, 1950];

(f) all income under the heads mentioned in section 89, and all expenditure on medical purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the President of the Union may prescribe.

226. (1) The committee shall submit, before such date in each year as may be directed by the President of the Union, for the sanction of such authority as the President of the Union may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for the expenditure, and may, from time to time, submit in like manner further estimates or proposals or in modification of those submitted as aforesaid.

(2) No expenditure shall be incurred by a committee unless it is provided for in an estimate and proposals sanctioned under this section.

227. (1) No work, the estimated cost of which exceeds five hundred rupees, shall be begun by the committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 226, or exceeds:

twenty thousand rupees in the case of the municipalities of Moulmein, Basscin and Akyab, or one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

such work shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the President of the Union, or by an officer empowered by the President of the Union in this behalf.

228. In all matters connected with the administration of this Act, the Commissioner shall have and exercise the same authority and control over every Deputy Commissioner subordinate to him as he has and exercises over such Deputy Commissioner in the general and revenue administration.

229. The President of the Union may frame forms for any of the proceedings of committees for which he considers that a form should be provided, and may, in addition to rules made under any other powers conferred by this Act, make rules consistent with this Act -

(a) as to the officers to be addressed by committees when desirous of communicating with the President of the Union or officers of the Government;

(b) as to the preparation of estimates of the receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees;

(d) as to the keeping and auditing of the accounts of municipal funds [...] [Deleted by Act LII, 1950] and hospital funds;

(e) as to the appointment and removal of a Chief Executive Officer and the management by him of municipal business;

(f) as to the appointment and removal of officers and servants of committees; and

[Substituted by Act XXXVI, 1953] (g) generally for all matters connected with the carrying out of this Act.

CHAPTER IX SUPPLEMENTAL

Criminal Procedure.

230. (1) Every police-officer employed within the limits of the municipality shall give immediate information to the committee of any offence committed against this Act or the rules or bye-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 may arrest any person committing in his view any offence against this Act or the rules or bye-laws thereunder:

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or there is reason to doubt the accuracy of the name and address if 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.

231. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-law thereunder except on the complaint of the committee or of some person authorized by the committee in this behalf.

Explanation - The committee may by resolution authorize persons to prosecute either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or specially in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is Chairman, Vice-Chairman, ex-officio member, secretary engineer, or health officer of the committee; in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time by resolution be cancelled by the committee.

232. In any municipality to which the President of the Union may, by notification, apply this section, it shall not be necessary, in respect of any offence punishable under this Act or any rule or bye-law thereunder, to examine the complainant when the complaint is presented in writing, notwithstanding anything contained in section 200 of the Code of Criminal Procedure.

233. (1) In any municipality the President of the Union may empower the committee or its Chairman, Vice-Chairman, 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 Act or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

(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 Act and the rules and bye-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 President of the Union.

(5) The President of the Union may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

234. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law thereunder, or under any other law, within the meaning of the Code of Criminal Procedure, by reason only of his being a member of the committee by the order or with the approval of which such prosecution has been instituted.

235. Nothing in this Act shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission which constitutes an offence against this Act or the rules or bye-laws thereunder, or from being liable under any other law to any other or higher punishment or penalty than that provided by this Act or the rules or bye-laws thereunder:

Provided that no person shall be punished twice for the same offence

Rules, Bye-laws and Public Notices.

236. Before making any bye-law the committee shall publish, in such manner as may be sufficient for giving information to all persons interested, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

237. (1) Every bye-law shall, after being sanctioned or confirmed by the President of the Union, be published in the Gazette [...] [Omitted by the Union of Burma (Adaptation of Laws) Order, 1948]; and such publication shall be conclusive evidence that the bye-law was made in accordance with the requirements of this Act.

(2) Every public notice which, under this Act, does not require the sanction of, or confirmation by, the President of the Union, and every rule which the President of the Union is by this Act empowered to make, shall be published in such manner as the President of the Union may by notification direct, and shall have no force or validity until so published.

238. [...]

Notices.

239. (1) Every notice in writing issued by the committee under this Act shall be sufficiently authenticated by the signature of the Chairman, Vice-Chairman, health officer, engineer or secretary, or of any officer specially authorized by the committee to sign such notice, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) If the 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) If the 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) If the 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 affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act shall be invalid merely by reason of any defect of form.

240. When any notice in writing is under the provisions of this Act 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 delivery to some person on the property, or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property, or

(b) by posting a prepaid letter containing it, and addressed to the "owner" or "occupier" of the property (to be named) in respect of which the notice is given, without further name or description.

Powers to except Municipalities from provisions of the Act.

241. (1) If the circumstances of any municipality are such that, in the opinion of the President of the Union, any of the provisions of this Act are unsuited thereto, the President of the Union may, by notification, except the municipality from the operation of such provisions; and thereupon Such provisions shall cease to apply to the municipality.

(2) While an exception notified under sub-section (1) remains in force, the President of the Union 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.

Recovery of Money claimable by Committee.

242. (1) Any arrears of any tax or fee or any other money claimable by the committee under this Act or from any person who has collected the same, or his surety may be recovered as if they were arrears of land revenue.

(2) The President of the Union may, by notification, prescribe by whose order and on whose application such arrears may be recovered.

Miscellaneous.

243. Nothing in this Act shall affect the Local Authorities Loans Act.

244. If any question arises as to whether a person [is an inhabitant] [Substituted by Act LII, 1950] of a local area within the meaning of this Act, it shall be referred to the President of the Union, and the decision of the President of the Union thereon shall be final.

245. The President of the Union may, by notification, extend to any municipality any of the provisions of the Rangoon Water-works Act, other than those contained in section 3 thereof, and may, by such notification, declare with what modifications, not affecting the substance, such provisions shall apply to the said municipality.

CHAPTER X SMALL TOWNS

246. (1) The President of the Union may, by notification, declare that, in respect of some or all of the matters upon which a municipal fund may be expended under section 87, improved arrangements are required within a specified area which nevertheless it is not expedient to establish as a municipality.

(2) An area with regard to which a notification has been issued under sub-section (1) is hereinafter called a “notified area”.

(3) No area shall be declared a notified area unless it contains less than ten thousand inhabitants according to the returns of the most recent official census, is not a purely agricultural village, and contains a town or market.

(4) The President of the Union may at any time, in like manner, vary or rescind any notification issued under this section.

247. (1) The President of the Union may, by notification:

(i) appoint, or empower the Commissioner to appoint, two or more persons to be a town committee for any notified area;

(ii) extend or apply to any notified area the provisions of any section of this Act or of any rules for the time being in force under this Act, subject to such restrictions and modifications (if any) as the President of the Union may think fit;

(iii) impose in any notified area any tax which could have been imposed therein if such area were a municipality;

(iv) arrange for the due expenditure of the proceeds of taxes imposed under clause (iii) and of any other funds which may come to the hands of the committee for the purposes of the notified area, and for the preparation and maintenance of proper accounts; and

(v) vary or rescind any notification issued under this section.

(2) The proceeds of any tax levied in any notified area under this section shall not be expended except in payment of charges and expenses incidental to some one or more of the matters on which the municipal fund of such area might be expended if such area were a municipality.

248. For the purposes of any section or rules extended or applied to a notified area under this Chapter, and of Part I of the Vaccination Act, and of any other enactment which the President of the Union may, by notification, specify in this behalf for any notified area, the town committee appointed under section 247 shall be deemed to be a committee and the area a municipality.

249. Where by reason of a notification under section 246, sub-section (4), any local area is included in or excluded from or ceases to be a notified area, the provisions of section 6 shall apply as if the notified area were a municipality altered or abolished under section 4.