

ACT No. XVIII OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 24th March 1864).

*An Act to provide for the appointment of a Municipal Committee for the City of Lucknow.*

WHEREAS it is expedient to make provision for the appointment of a Municipal Committee for the City of Lucknow, and for levying duties on certain articles brought within the limits of the said City for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said City; It is enacted as follows:—

Preamble.

I. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a Committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said Committee shall consist of twenty-five Members, of whom six shall be *ex-officio* Members.

Appointment of Municipal Committee.

II. The persons for the time being filling the following Offices shall respectively be *ex-officio* Members of the Municipal Committee. That is to say, the persons filling the Offices of—

*Ex-officio* Members of the Committee.

Commissioner of Lucknow,

Deputy Commissioner of Lucknow,

Inspector General of Police in Oudh,

Civil Surgeon of Lucknow,

Executive Engineer of Lucknow,

City Magistrate of Lucknow.

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The Non-official Members of the said Committee shall be elected annually by and from amongst the inhabitants of the City, and shall hold office for one year only, but shall be eligible for re-election.

Non-official Members to be elected annually.

III. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the City of Lucknow for the purposes of this Act. He shall also declare who are, for the purposes of the last preceding Section, to be deemed inhabitants of the said City, and shall lay down rules fixing the times when the election of the Non-official Members of the Committee shall take place, and regulating the manner in which the elections shall be conducted. The appointment of every Non-official Member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

Chief Commissioner to define limits of Lucknow, and to regulate the mode of election. Appointment of Non-official Members to be subject to his approval.

IV. It shall be lawful for the Chief Commissioner to remove from office any Non-official Member of the Committee; and in the event of any such Member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any person shall be elected to supply his place for the unexpired portion of the year for which such Member was elected.

Chief Commissioner may remove Non-official Members.

V. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor-General of India in Council to suspend or limit the powers or any of the powers of the Committee.

Powers of Committee how to be limited or suspended.

VI. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the Secretary.

What officers to be President, Vice-President, and Secretary of the Committee.

VII. The Municipal Committee, so far as the funds at their disposal will permit, shall keep the streets, drains, and tanks of the City properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains, and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the City so far as such acts and things be not repugnant to or inconsistent with the provisions of this or any other Law.

Committee to do acts necessary for the conservancy and improvement of the City consistently with law.

VIII. It

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VIII. It shall be lawful for the Municipal Committee from time to time to enter into all necessary contracts for the purposes of this Act. Such contracts, if in writing, shall be signed by the Secretary and at least three Members of the Committee, and if any such contract be not reduced to writing, it shall be made with the Secretary. No contract made otherwise than as herein declared shall be in any way binding on the Committee, and no contract involving an expenditure of more than ten thousand Rupees shall be binding on the Committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

IX. No Member of the Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Member of the Committee shall be liable for any misapplication of any monies entrusted to the Committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

X. The Committee shall each year, on or before such date prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the Committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

XI. The Committee shall, as soon as may be after the first day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

XII. All such monies as the Chief Commissioner or any other person shall from time to time make over to the Municipal Committee for the purposes of this Act and all fines levied under this Act

Municipal Fund.

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Act shall form a Municipal Fund, of which the Committee shall be the Trustees, and which shall be applied by the Committee to the conservancy and improvement of the City of Lucknow, and to the payment of the salaries and wages of the Officers and servants employed by the Committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

XIII. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor-General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the City of Lucknow for consumption or use therein. The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct. It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as Bye-laws duly made by the Committee.

Duty to be levied on articles taken into Lucknow for consumption or use therein. Rates how to be fixed.

XIV. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner. Out of the monies paid in under this Section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the Committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

Money received on account of duty to whom to be paid.

XV. The Municipal Committee may from time to time make such Bye-laws as they may think fit, for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code; for regulating the time and place of meeting of the Committee; the conduct of business at such meetings; the division of duties among the Members of the Committee; the appointment, suspension and removal of Officers and servants of the Committee, and fixing the salaries of such Officers and servants; for imposing penalties for the infringement of any Bye-law made by the Committee; and generally for the management of all matters connected with the conservancy and improvement of the City. The Committee may also from time to time repeal, alter, and amend any such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force. Provided also that no penalty for the infringement of any such Bye-law shall exceed fifty Rupees, and that in case

Power of Committee to make Bye-laws.

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case of a continuing infringement, no penalty shall exceed ten Rupees for every day after notice from the Committee of such infringement.

XVI. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Bye-laws to be approved by Chief Commissioner.

XVII. A copy in the English and Hindoostanee languages, of every Bye-law and alteration of a Bye-law for the time being in force shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the office of the Committee.

Copies of Bye-laws to be exhibited in the office of the Committee.

XVIII. All Bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

Bye-laws to be of the same effect as if they were inserted in this Act.

XIX. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed may be recovered in the manner prescribed in Section 61 of the said Code. The amount of all fines realized shall be paid to the Municipal Committee and be applied by them to the purposes of this Act.

Before whom prosecutions to be instituted under this Act.

Control of Governor-General in Council in respect of this Act.

XX. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor-General of India in Council.

XXI. It shall be lawful for the Governor-General of India in Council to extend this Act to any place under the immediate administration of the Government of India. Whenever this Act shall be extended to any place under the provisions of this Section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow." The Governor-General of India in Council in extending this Act shall declare what and how many persons shall be ex-officio Members of the Municipal Committee of the place to which it is extended.

This Act may be extended to any place under the immediate administration of the Government of India.

XXII. The

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XXII. The Chief Commissioner of any place to which this Act shall be extended under the last preceding Section may, with the sanction of the Governor-General of India in Council, declare that Sections XIII and XIV or either of them, or any of the provisions of those Sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house assessment or town duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected. Provided that no tax, duty, or other rate shall be levied under this Section in any place in which duties are levied under Section XIII of this Act.

A system of taxation for such place may be established in lieu of provisions of Sections XIII and XIV of this Act.

Proviso.