

ACT No. XV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st March 1867.)

An Act to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in towns in the territories under the government of the Lieutenant Governor of the Panjáb, and for the Police, conservancy and local improvements, and for education, and for the levying of rates and taxes in such towns; It is enacted as follows:—

Preamble.

I.—Preliminary.

1. In this Act—unless there be something repugnant in the subject or context—

Interpretation clause.

“Committee.”

“Committee” means a Municipal Committee appointed under the provisions of this Act:

“Lieutenant Governor.”

“Lieutenant Governor” means the Lieutenant Governor of the Panjáb:

Number.

Words in the singular number include the plural, and words in the plural number include the singular.

2. The Lieutenant Governor may extend this Act or any of its Sections or provisions, by notification in the local *Gazette*, to any town in the territories under his government.

Power to extend this Act to towns.

3. From the date of the passing of this Act, all Municipal Committees previously appointed with the sanction of any Lieutenant Governor or Chief Commissioner of the Panjáb, other than Municipal Committees appointed under Act No. XXVI of 1850 (*to enable improvements to be made in towns*), shall be deemed Committees under

Existing Committees to be deemed Committees under this Act.

under this Act. The Lieutenant Governor may extend, by notification in the local *Gazette*, all or any of the provisions of this Act to Municipal Committees appointed under the said Act No. XXVI of 1850. So much of any Act, Regulation or Rule having the force of law, as may be inconsistent with any provision so extended to a Committee, shall, from and after the date of such extension, cease to have effect in the case of such Committee.

4. For the purposes of this Act, the Lieutenant Governor may from time to time, by notification in the local *Gazette*, define the limits of any town to which this Act shall have been extended, and may include within the limits of such town any railway station, village, building or land in the vicinity of such town.

Power to define limits of towns to which Act extends.

II.—Appointment, Duties and Powers of Committees.

5. In any town to which this Act shall have been extended, the Lieutenant Governor may appoint, either *ex officio* or otherwise, or direct the appointment by election of any number of persons, not less than five, to be members of a Committee, or he may appoint some of the members of such Committee and direct the appointment of others by election for carrying out the purposes of this Act. The Lieutenant Governor may from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them. The Lieutenant Governor may determine the time and manner of the election of those members whom he may direct to be appointed by election, and the persons by whom they shall be elected, and generally may make any rules for regulating the election of such members that he may think fit. The Lieutenant Governor may also appoint the President and Vice-President, or either of them, of any Committee, or sanction the election by any Committee of one of their members as President or Vice-President or either of them. All appointments under this Section shall be notified in the local official *Gazette*.

Power to appoint members of Committee.

6. Every Committee may, with the previous sanction of the Lieutenant Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount or rate of the taxes to be imposed, and may impose such taxes accordingly.

Power to levy rates or make assessments.

7. It

7. It shall be lawful for the Lieutenant Governor from time to time to make rules as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes and for the safety and due application of them when collected, and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, and in such form as he may think fit. The Lieutenant Governor may from time to time repeal, alter or add to such rules. No tax shall be collected under this Act, until it shall have been confirmed by the persons and in manner hereinbefore mentioned.

8. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

9. Every Committee, so far as the Municipal Fund at their disposal will permit, shall, after providing out of such Fund for a Police establishment in manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses, of the town for which they are appointed clean and repaired, and may cause such streets and roads, or any of them, to be watered and lighted, and may construct new streets, drains, tanks and water-courses, and may construct and provide for the management of poorhouses, dispensaries, market-places and other works of general utility, and generally may do all acts and things necessary for the purposes of conservancy and local improvement, and may also make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education in the town for which such Committee is appointed.

10. Any Committee may make rules for regulating the time and place of their meeting, the conduct of their business, the division of duties among the members of the Committee, the salaries, appointment, suspension and removal of the officers and servants of the Committee, and other similar matters.

11. It

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11. It shall be lawful for any Committee to make bye-laws for defining, prohibiting, and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*), and for the securing of a proper registration of births and deaths, and for carrying out all or any of the purposes of this Act. And the Committee may from time to time repeal, alter or add to such bye-laws.

Power to make bye-laws as to nuisances and registration of births and deaths.

Power to suspend or limit powers of Committee.

12. The Lieutenant Governor may by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of the proceedings or rules of any Committee.

13. Every Committee shall set apart out of the Municipal Fund, such sum as the Lieutenant Governor shall require for the maintenance of the Police establishment in the town.

Provision for Police.

14. No bye-law and no alteration or repeal of or addition to a bye-law shall have effect until the same shall have been confirmed by the Lieutenant Governor. All bye-laws made under this Act, and all rules made under Section 10 of this Act, and all alterations and repeals of and addition to such bye-laws and rules, shall be published for such length of time and in such manner as the Lieutenant Governor shall order.

Bye-laws to be confirmed and published.

III.—Suits by and against Committees.

15. Every Committee shall sue and be sued in the name of their President. Every contract made on behalf of any Committee in respect of any sum exceeding Rupees twenty or in respect of any property exceeding Rupees twenty in value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee, and unless so executed shall not be binding on the Committee. No member of a 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 duly made as aforesaid. Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee

Suits by and against Committees.

Contracts of Committees.

Liability of members of Committees.

Committee to which he shall have been a party, or which shall happen through, or be facilitated by his neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant Governor shall direct as for money due to the Government.

16. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, explicitly stating the cause of suit and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such suit shall be commenced within three months next after the accrual of the cause of suit, and not afterwards: and if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

No suit to be brought against the Committee or their officers, until after one month's notice of cause of suit.

IV.—Penalties.

17. No member of a Municipal Committee or servant of the Committee shall be interested directly or indirectly in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred Rupees. Provided always, that no person by being a shareholder in or member of any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee. Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

Penalty on member or servant of Committee being interested in contracts made with Committee.

18. Whoever infringes any rule made under Section 10 of this Act, or any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty Rupees, and, in the case of a continuing infringement, to a fine not exceeding five Rupees for every day after notice from the Committee of such infringement.

Penalty for infringement of rules or bye-laws, or non-payment of fines.

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In default of payment of any fine imposed under this Section, the defaulter shall be liable to be imprisoned for a term not exceeding eight days.

19. Prosecutions under this Act for infringements of rules or bye-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf, and all fines imposed under this Act may be recovered in the manner prescribed in Section 61 of the Code of Criminal Procedure. Rates and arrears of rates imposed under this Act may be recovered as if they were fines.

Prosecutions.

Fines.

Recovery of rates.

V.—Miscellaneous.

20. All assessments, bye-laws, rules and regulations of any kind relating to matters provided for in this Act, which may previous to the passing of this Act have been made by or received the approval of any Lieutenant Governor or Chief Commissioner of the Panjáb, shall be deemed to have been made in accordance with the provisions of this Act. And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

Existing assessments and bye-laws to be deemed to have been made under this Act.

21. Section 20 of this Act shall apply to the Central Provinces and Oudh, as if for the words "Lieutenant Governor or Chief Commissioner of the Panjáb," the words "Chief Commissioner of the Central Provinces and Oudh" were substituted, and as if the extension next hereinafter mentioned had been made. And it shall be lawful for the Governor General of India in Council to extend this Act or any of its provisions, by notification in the *Gazette of India* and the local official *Gazette*, to any town in the territories respectively under the administrations of the Chief Commissioners of the Central Provinces and Oudh, and on and after such extension, this Act shall be construed in such town as if the words "Lieutenant Governor" were defined to include Chief Commissioners of the Central Provinces and Oudh; as if for the word "government," the word "administration" were substituted; and as if for the words and figures "Act No. XXVI of 1850 (to enable improvements to be made in towns)," the words and figures "Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow)" were substituted.

Application of Section 20 to Central Provinces and Oudh.

Power to extend this Act to Central Provinces and Oudh.

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substituted. Provided that, when such extension shall be effected, the previous sanction of the Governor General of India in Council shall be necessary to the validity of any order made by a Chief Commissioner under Section 12 of this Act.

22. This Act shall expire in five years in the territories subject to the Lieutenant Governor of the Panjáb, and if it shall be extended to the Central Provinces or Oudh under the last preceding Section, it shall expire in such Provinces or Oudh, as the case may be, in five years from the date of such extension.

Expiration of Act.