

THE PANJAB MUNICIPAL ACT, 1873.

CONTENTS.

PREAMBLE.

I.—Preliminary.

SECTIONS.

1. Short title.
Local extent.
Commencement.
2. Repeal of Acts.
Existing extensions and appointments.
Existing assessments and bye-laws.
Former proceedings.
3. "Committee" defined.
4. Power to extend Act to towns.
Objection to such extension.
Procedure thereon.
5. Power to define limits of towns to which Act extends.

II.—Appointment, Duties and Powers of Committees.

6. Appointment of Committee.
7. Power to levy rates or make assessments.
Objection to rates.
Procedure thereon.
8. Power to make rules for collection and application of rates.
9. Recovery of rates.
10. Municipal Fund.
11. Duties and powers of Committees.
12. Provision for Police.
13. Power to make rules as to business and officers.
14. Power to make bye-laws.
15. Bye-laws to be confirmed and published.
16. Power to enter on private property.
17. Power to suspend or limit powers of Committees.

III.—Suits by and against Committees.

18. Suits by and against Committees.
Contracts of Committees.
Liability of members of Committees.
19. Bar of suit in absence of one month's notice of cause of suit.

IV. Penalties

SECTIONS.

IV.—Penalties.

20. Penalty on member or servant of Committee being interested in contracts made with Committee.
21. Penalty for infringement of bye-laws or non-payment of fines.
22. Prosecutions.
23. Recovery of fines.

ACT No. IV OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st
January 1873).

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

WHEREAS it is expedient to provide for the ap- Preamble.
pointment of Municipal Committees in towns in the Panjáb, and for police, conservancy, local improvements, and education in such towns, and for the levying of rates and taxes therein; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Panjáb Municipal Act, 1873:." Short title.

It extends only to the territories under the gov- Local extent.
ernment of the Lieutenant Governor of the Panjáb;

And it shall come into force on the passing thereof. Commence-
ment.

2. Act No. XV of 1867 (to make better provision Repeal of
for the appointment of Municipal Committees in the Acts.
Panjáb, and for other purposes) and Act No. II of 1872 (to revive and continue the operation of Act XV of 1867) are repealed; and Act No. XXVI of 1850 (to enable improvements to be made in towns) is repealed so far as it affects the Panjáb.

But all extensions and appointments made, and all Existing ex-
limits defined, under the said Act No. XV of 1867 tensions and
shall be deemed to be, respectively, made and defined appointments.
under this Act. And an extension of any particular
provision of Act No. XV of 1867 shall be deemed to be
an extension of the corresponding provision of this Act

And

Existing assessments and bye-laws.

And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

Former proceedings.

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.

"Committee" defined.

3. In this Act "Committee" means a Municipal Committee under this Act.

Power to extend Act to towns.

4. The Local Government may, by notification published in the *Panjáb Gazette*, declare its intention to extend this Act, or any of its provisions, to any town in the said territories.

Objection to such extension.

Any inhabitant of such town objecting to such extension may, within six weeks from the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration.

Procedure thereon.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in its opinion, they are insufficient, may, by like notification, effect the proposed extension.

Power to define limits of towns to which Act extends.

5. For the purposes of this Act, the Local Government may, from time to time, by notification in the *Panjáb Gazette*, declare what shall be deemed to be a town for the purposes of this Act, and define the limits of any town to which this Act has been extended.

II.—Appointment, Duties and Powers of Committees.

Appointment of Committee.

6. In every town to which this Act is extended, the Local Government shall appoint, or cause to be appointed, a Committee consisting of not less than five members.

Such members may be appointed as the Local Government from time to time directs, either *ex officio*, or by nomination, or by election, or some by one and some by any other of such methods:

Provided

Provided that (except with the approval of the Governor General in Council) not less than two-fifths of the members of a Committee shall be persons other than salaried officers of Government.

The Local Government may—

(a) from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them;

(b) determine the time and manner of the election of those members whom it may direct to be appointed by election, and the persons by whom they shall be elected, and generally make such rules as it thinks fit for regulating such election;

(c) appoint the President and Vice-President, or either of them, of any Committee, or authorise any Committee to appoint, by election from their number, such President, or Vice-President, or both.

No appointment under this section, other than the appointment by election of a Vice-President, shall be valid unless and until it is notified in the *Panjab Gazette*.

7. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf,

Power to levy rates or make assessments.

every Committee intending to impose taxes for the purposes of this Act shall, from time to time, give public notice of such intention, and shall in such notice define the persons or property within the town to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the President of the Committee, and the Committee shall take such objection into consideration and report their opinion thereon to the Local Government.

Objection to rates.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction

Procedure thereon.

sanction of the Local Government, to be notified in the *Panjab Gazette*, define the persons or property and the amount or rate of the taxes aforesaid, and may then impose such taxes accordingly.

Power to make rules for collection and application of rates.

8. The Local Government may from time to time 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, in such form as it may think fit.

No tax shall be collected under this Act, until the assessment thereof has been confirmed by the persons and in manner for the time being prescribed by such rules.

Recovery of rates.

9. Rates and arrears of rates imposed under this Act may be recovered as if they were arrears of land-revenue.

Municipal Fund.

10. 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.

Duties and powers of Committees.

11. Every Committee, so far as the Municipal Fund at their disposal permits, 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

and, generally, may do all acts and things necessary for the construction, repair and maintenance of local public works of general utility;

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;

and may also make provision for promoting the public health, safety, comfort and convenience.

12. Every Committee shall set apart out of the Municipal Fund such sum as the Local Government from time to time requires for the maintenance of the police establishment in the town for which the Committee is appointed.

Provision for police.

13. Every Committee may make rules for regulating—

Power to make rules as to business and officers.

the time and place of their meeting;

the conduct of their business;

the division of duties among the members of the Committee;

the duties, salaries, appointment, suspension and removal of the officers and servants of the Committee;

and other similar matters.

14. Any Committee may make bye-laws—

Power to make bye-laws.

(a) for defining, prohibiting and abating 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*):

(b) for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances:

(c) for securing a proper registration of births and deaths;

(d) and for carrying out all or any of the purposes of this Act.

The Committee may, from time to time, repeal, alter or add to any bye-laws made under this section.

15. No

Bye-laws to be confirmed and published.

15. No bye-law, and no alteration or repeal of or addition to a bye-law, shall have effect until it has been confirmed by the Local Government.

All bye-laws made under this Act, and all rules made under section thirteen, and all alterations and repeals of and additions to such bye-laws and rules shall, before coming into force, be published for such length of time, and in such manner, as the Local Government from time to time directs.

Power to enter on private property.

16. The officers of the Committee shall have power to enter upon private property for the detection and abatement of nuisances when the Committee shall, under section fourteen, clause (b), have made bye-laws regulating the exercise of such power.

Power to suspend or limit powers of Committees.

17. The Local Government may, by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of their proceedings, rules or bye-laws, and remit or reduce any tax which they have imposed.

III.—Suits by and against Committees.

Suits by and against Committees.

18. Every Committee shall sue and be sued in the name of their President.

Contracts of Committees.

Every contract made on behalf of any Committee in respect of any sum or property exceeding twenty rupees in amount or 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.

No contract, unless so executed, shall be binding on the Committee on whose behalf it is made.

Liability of members of Committees.

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, contracts duly made as aforesaid.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee, to which he has been a party, or which happens through, or is facilitated by, his neglect of his duty;

and

and he shall be liable to be sued for the same in such Court as the Local Government directs as for money due to the Secretary of State for India in Council.

19. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done, or purporting to be done, under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intended plaintiff.

Bar of suit in absence of one month's notice of cause of suit.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the right to sue 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.

IV.—Penalties.

20. No member or servant of a 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 :

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

Provided 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.

21. Whoever

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

21. Whoever infringes 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.

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

Prosecutions.

22. Prosecutions under this Act for infringements of bye-laws may be instituted before any Magistrate by the Committee, or by any person authorized by the Committee in this behalf.

Recovery of fines.

23. Fines imposed under this Act may be recovered in manner provided by the Code of Criminal Procedure.