

THE PANJÁB MUNICIPAL ACT, 1884.

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SCHEDULE.

(Chapter I.—Preliminary.—Sections 1-2)

ACT NO. XIII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd August, 1884.)

An Act to make better provision for the organization and administration of Municipalities in the Panjáb.

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

CHAPTER I.

PRELIMINARY.

Short title.
Local extent.
Commence-
ment.

1. (1) This Act may be called the Panjáb Municipal Act, 1884.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Panjáb; and

(3) Section 177 shall come into force at once, and the rest of this Act shall come into force on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

“Committee” means a municipal committee constituted under this Act:

“Municipality” means any local area declared to be a municipality under this Act:

“Inhabitant” includes any person ordinarily residing or carrying on business, or owning or occupying

(Chapter I.—Preliminary.—Section 3.)

ing immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act :

“Street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way ; and also the roadway and footway over any public bridge or causeway :

“Owner” includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant :

“Notification” means a notification published by authority of the Local Government in the official Gazette :

“Notified” means published as aforesaid.

3. (1) The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act :

Procedure
for constitut-
ing municipi-
pality.

Provided that a military cantonment shall not, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the district in which the local area to which it relates is situate, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation

(Chapter I.—Preliminary.—Section 4.)

translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant objects to the notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

Special rule
as to local
areas to
which Act
IV of 1873
applies.

4. (1) The Local Government may, by notification, declare any local area to which the Panjáb Municipal Act, 1873, has been extended to be a municipality under this Act, and shall, as soon as may be, so declare every such local area, unless— IV of 1873.

(a) that local area is comprised in some local area declared to be a municipality under section 3; or

(b) the Local Government has declared, by notification, that the provisions of this Act are unsuited to that local area.

(2) The Local Government shall, by the notification issued in respect of a local area under sub-section (1), declare whether the local area shall be a municipality of the first or of the second class.

(3) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members of the committee for that local area appointed *ex officio*, by nomination and by election under the Panjáb Municipal Act, 1873, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have IV of 1873.

(Chapter II.—*Organization of Committees.*—Section 5.)

have been appointed by official designation and by name and elected under this Act as members of a committee for the local area, and shall hold office as such members for such term, not exceeding three years, as may be fixed by the notification.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

5. (1) There shall be established for each municipality a committee having authority over the municipality, consisting of such number of members, not less than six, as the Local Government may fix in this behalf.

Number and appointment or election of members.

(2) The members may be appointed by the Local Government either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs :

Provided that—

- (a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason affecting the public interests; and
- (b) except with the approval of the Governor General in Council, or unless salaried officers of the Government are elected, not less than two-thirds of the members of every committee shall be persons other than salaried officers of the Government.

(3) When,

(Chapter II.—Organization of Committees.—Sections 6-8.)

(3) When, under a direction issued under subsection (2), any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Term of office
of members.

6. (1) A member of a committee when appointed by virtue of an office shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation
of members.

7. A member of a committee may resign by signifying in writing his intention to do so to the Local Government; and on the acceptance by the Local Government of the resignation, the member shall be deemed to have vacated his office.

Powers of
the Local
Government
as to removal
of members.

8. (1) The Local Government may remove any member of a committee—

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

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if

(Chapter II.—Organization of Committees.—Sections 9 & 10.)

- (c) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,
- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

9. (1) When the place of an elected member of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Filling of casual vacancies.

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may if otherwise qualified be again elected or appointed.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject

Incorporation of Committee.

to

(Chapter II.—Organization of Committees.—Sections 11 & 12.)

to the provisions of this Act, to transfer any property held by it, 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.

Time when committee shall come into existence.

11. A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf :

Provided that a committee constituted under section 4, sub-section (3), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of committee under this Act where Act IV of 1873 applies.

12. When a committee comes into existence for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area to which the Panjáb Municipal Act, 1873, has been extended, the following consequences shall ensue, namely :—

IV of 1873.

- (a) the said Panjáb Municipal Act shall cease to apply to the local area ;
- (b) the municipal committee constituted under that Act for the local area (and hereinafter called the old committee) shall cease to exist ;
- (c) all property vested in the old committee shall, for the purposes of this Act, vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property ;
- (d) every right and liability belonging to or incurred by the old committee may be enforced by or against the new committee in like manner as it might have been enforced by or against the old committee if this Act had not been passed ;
- (e) a Government officer employed by the old committee at the time when the new committee

(Chapter II.—Organization of Committees.—Sections
13 & 14.)

mittee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

13. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Member of committee to be municipal commissioner.

President and Vice-president.

14. (1) Every committee shall, from time to time, elect one of its members to be president, and the member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Election or appointment of president and vice-president.

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the date of the first meeting of the committee or the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government, or in the case of a second class committee the Commissioner, may, if it or he thinks fit, appoint one of the members of the Committee to be president.

(2) Every

(Chapter II.—Organization of Committees.—Sections 15-17.)

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

Term of office of president and vice-president.

15. (1) A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution 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 Deputy Commissioner.

Casual vacancies in office of president or vice-president.

16. (1) If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 14.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments, &c.

Notification of elections, appointments and vacancies.

17. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, and no such election or appointment shall take effect until it is notified.

Conduct

*(Chapter II.—Organization of Committees.—Sections 18-21.)**Conduct of Business.*

18. (1) A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the rules made under section 24.

Time for holding meetings.

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

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

Ordinary and special meetings.

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

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

Quorum.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 24, but shall not be less than three:

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

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

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the

the

(Chapter II.—Organization of Committees.—Sections 22-24.)

the meeting, and a vice-president is present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment, shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

22. Except as otherwise provided by this Act or by rules made under this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Vote of majority decisive.

23. (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

Record and publication of proceedings.

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

24. (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

Rules of business.

- (a) the time and place of its meetings ;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given ;
- (c) the quorum necessary for the transaction of business at ordinary meetings ;

(d) the

(Chapter II.—Organization of Committees.—Section 25.)

- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members, and by officers or servants of the committee;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;
- (i) the term for which a vice-president shall hold office; and
- (j) all other similar matters.

(2) A rule made under clause (c) or clause (f) of sub-section (1) shall not take effect unless it has been approved by the Local Government.

(3) Every rule made under this section shall be published in such manner as the Local Government directs.

25. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, 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

Extraordinary powers of president and vice-president in case of emergency.

(Chapter II.—Organization of Committees.—Sections 26-28.)

Provided that—

- (a) he shall not act under this section in contravention of any order of the committee passed at a meeting ; and
- (b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

Joint committees.

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

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

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

Officers and Servants.

Appointment of secretary.

28. (1) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and, may, at a like meeting, remove any person so appointed.

(2) A

(Chapter II.—Organization of Committees.—Sections 29-31.)

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

29. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, 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 pay as it thinks fit.

Employment of other officers and servants.

30. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be.

Power to prevent extravagance in establishments.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

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

Pensions of Government officials serving committees.

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity

(Chapter II.—Organization of Committees.—Sections 32-34.)

gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

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

(1) grant him leave-allowances and, if he is employed under the committee appointed, under the Panjáb Municipal Act, 1873, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

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(2) if empowered in this behalf by the Local Government—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

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

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

Contracts.

Authority to contract.

33. (1) The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

Mode of executing contracts and transfers of property.

34. (1) Every contract made by or on behalf of the committee of a municipality of the first class whereof

(Chapter II.—Organization of Committees.—Sections 35 & 36.)

whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member :

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last preceding section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

35. (1) If any member, officer or servant of a municipal committee or joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

Penalty on member, officer or servant being interested in contract made with a committee.

XLV of 1860.

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

Privileges and Liabilities.

36. No suit shall be instituted against a committee, or against an officer of a committee in respect

Suits against committee and its officers.

of

(Chapter II.—Organization of Committees.—
Sections 37 & 38.)

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 a committee, left at its office, and, in the case of an officer, delivered to him or left at his office 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 a 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, 1877.

Liability of
members of
committees.

37. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

I of 1877.

Acquisition of Land.

Acquisition
of land.

38. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870

CHAPTER III.

TAXATION.

General Provisions.

Taxes which
may be im-
posed.

39. (1) Subject to any general rules or special orders which the Governor General in Council may make

make

(Chapter III.—Taxation.—Section 39.)

make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely :—

(A) with the previous sanction of the Local Government :—

(a) a tax on buildings and lands either—

(i) not exceeding in any municipalities which may be constituted at the places specified in the schedule hereto annexed 10 per cent., and elsewhere $7\frac{1}{2}$ per cent., on the annual value ; or

(ii) not exceeding in the said municipalities one anna four pies, and elsewhere one anna, per square yard of the ground area ; or

(iii) not exceeding in the said municipalities four rupees, and elsewhere three rupees, per running foot of frontage in streets or bázárs ;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality ;

(d) a tax on vehicles and animals used as aforesaid entering the municipality ;

(e) a tax on menial and domestic servants ;

(f) an octroi on animals for slaughter or goods or both brought within the octroi-limits for consumption or use therein ; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In

(Chapter III.—Taxation.—Section 40.)

(2) 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 :

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the aggregate of the following amounts, namely :—

- (a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and
- (b) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

Scavenging-
tax.

40. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, in the manner by this Act directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit :

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

41. (1) Besides

(Chapter III.—Taxation.—Sections 41 & 42.)

41. (1) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

Water-tax.

(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; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

42. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 39, section 40 or section 41.

Procedure
in imposing
taxes.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

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

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have

been

(Chapter III.—Taxation.—Sections 42 & 43.)

been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

- (a) no tax shall come into force until it has been notified;
- (b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and
- (c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) 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.

Power to
abolish or
reduce
tax.

43. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government,

ment,

(Chapter III.—Taxation.—Sections 44-47.)

ment, abolish or reduce in amount any tax imposed under the foregoing sections.

44. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

45. (1) If at any time it appears to the Local Government, 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 general public, it may require the committee to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

Power for Local Government to suspend levy of tax.

(2) The Local Government may at any time, by notification, rescind any such suspension.

46. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such 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 thereof.

Taxes not invalid for defect of form.

47. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

Taxes when payable.

48. For

(Chapter III.—Taxation.—Sections 48-50.)

Receipts to
be given.

48. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

Appeals
against taxa-
tion.

49. (1) An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) If on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section (2) the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure.

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Limitation
of appeal.

50. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 56, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the
amount

(Chapter III.—Taxation.—Sections 51-54.)

amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

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

Taxation not to be questioned except under this Act.

V of 1873. 52. All taxes leviable in any local area under the Panjáb Municipal Act, 1873, at the time when a committee having authority over that local area comes into existence under this Act shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Act.

Taxes on Immoveable Property.

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

Preparation of assessment-lists.

- (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 or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

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

54. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner

Publication of notice of assessments.

OR

H

(Chapter III.—Taxation.—Sections 55-57.)

or occupier of property included in the list; or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice
of time fixed
for revising
assessment-
list.

55. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of
list.

56. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

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

Further
amendments
of assess-
ment-list.

57. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering
the

(Chapter III.—Taxation.—Sections 58 & 59.)

the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of 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 fixed 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 in person or by authorized agent as he thinks fit.

58. 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, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

59. (1) When a tax payable under section 39, sub-section (1), clause (a), or under section 40 or section 41, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Remission of tax on unoccupied immoveable property.

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

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 39, sub-section

(1),

(Chapter III.—Taxation.—Sections 60-62.)

(1), clause (a), or under section 40 or section 41, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on
immovable
property by
whom
payable.

60. (1) A tax payable under section 39, sub-section (1), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 40 or section 41 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of
taxes payable
by owner.

61. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

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

Octroi and Tolls.

Power to
search where
octroi is
leviable.

62. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality

(Chapter III.—Taxation.—Sections 63-65.)

municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

63. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

- (a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and
- (b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature he may possess relating to the article.

64. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Presentation of bill for octroi.

65. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Recovery of octroi and tolls.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure,
and

(Chapter IV.—Municipal Fund and Property.—
Section 67.)

and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to lease the collection of octroi or tolls.

66. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year ; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

- (a) be bound by any rules made by the committee for their guidance ;
- (b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them ; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

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

- (a) all sums received by or on behalf of the committee under this Act or otherwise ;
- (b) all fines realized in cases in which prosecutions are instituted under this Act or the rules

(Chapter IV.—Municipal Fund and Property.—
Section 68.)

rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality ; and

IV of 1873.

- (c) when there has been included within the municipality any municipality constituted under the Punjab Municipal Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

68. (1) The committee shall set apart and apply annually out of the municipal fund— Application of 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 and contributions as are referred to in sections 31 and 32, and such sum as may be required for the maintenance of a police-establishment under Chapter V ;

- (c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics 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 Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall

(Chapter IV.—Municipal Fund and Property.—
Section 68.)

shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following 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 public streets, bridges, embankments, drains, latrines, tanks and water-courses ;
- (b) the watering and lighting of such streets or any of them ;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, saráis, 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 ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;
- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity ;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (h) the planting and preservation of trees ;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ;
- (j) the

*(Chapter IV.—Municipal Fund and Property.—
Sections 69-71.)*

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

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

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

Custody of
municipal
fund.

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

70. (1) A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

Investment
of same.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

71. Subject to any special reservation made by the Local Government, all property of the nature hereinafter specified and situate within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property
vested in
committee.

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which
have

(Chapter IV.—Municipal Fund and Property.—
Section 72.)

have been constructed or are maintained out of the municipal fund.

- (b) All public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.
- (c) All public sewers and drains, and all sewers, drains, culverts and watercourses 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, houses, privies, sewers, cesspools or elsewhere.
- (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, purchase or otherwise for local public purposes.
- (g) All streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management
of public in-
stitutions.

72. (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 Local Government.

(2) When

(Chapter V.—Municipal Police.—Sections 74 & 75.)

(2) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

73. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 71 or section 72, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to Crown of property vesting in committee.

CHAPTER V.

MUNICIPAL POLICE.

74. (1) Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

Police-establishment.

(2) The establishment maintained under subsection (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

75. (1) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with

Relief of committee from police-charges.

(Chapter V.—Municipal Police.—Section 76.)

with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

Appoint-
ment, liabilities and
duties of
municipal
watchmen.

76. (1) If the establishment maintained under this chapter is wholly or in part a body of watchmen, the watchmen—

- (a) shall be under the orders of the District Superintendent of Police subject to the general control of the Magistrate of the district;
- (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf;
- (c) shall perform such duties as the Local Government may, from time to time, subject to the provisions of this Act, direct; and
- (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested with-
out

(Chapter V.—Municipal Police.—Sections 77-80.)

out warrant by a police-officer or by any such watchman.

77. If the establishment maintained under this chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Duties of municipal police enrolled under Act V of 1861.

78. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules made thereunder—

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

(b) if the person declines to give his name and address, or if 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 the order of a Magistrate for his detention is obtained.

79. Nothing in the foregoing sections of this chapter shall affect section 9 of the Cantonments Act, 1880.

Saving of section 9 of Act III of 1880.

80. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Govern-

Police-protection at fairs, &c.

ment

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-84.)

ment may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

81. 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.

Power to close streets.

82. 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 sewer, 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.

Power to permit temporary occupation of streets, &c.

83. 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, subject to such conditions as it may prescribe 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 the permission.

Power to attach brackets for lamps.

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

85. (1) The

(Chapter VI.—Powers for Sanitary and other
Purposes.—Sections 85-87.)

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

Names of streets and numbers of buildings.

(2) Whoever destroys, pulls down or defaces any such name or number, 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.

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

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

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

Power to regulate line of buildings.

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

(2) The

(Chapter VI.—Powers for Sanitary and other
Purposes.—Section 88.)

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

Notice of new
buildings.

88. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging;
- (c) ventilation and drainage;
- (d) level and width of foundation, level of lowest floor and stability of structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

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

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month,

the

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 89.)

the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression “erect any building” includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

89. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public 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 into or on any drain, sewer or aqueduct therein.

Removal of projections and obstructions.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street :

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

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

Bathing

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-92.)

Bathing and Washing Places.

Bathing and washing places.

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

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

91. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

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

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 93.)

regulation of the same as if they were within those limits.

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

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

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

Powers in respect of burial and burning places.

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

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

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

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

94. The

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 94-97.)

Removal of
corpses.

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

*Inflammable Materials.*Inflammable
materials.

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

*Powers of Entry and Inspection.*Inspection
of drains,
privies and
cesspools.

96. (1) The committee, by any person 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 drains, privies or cesspools are situated, inspect any such drains, privies and 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 privies, drains 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.

Power to
enter and
inspect
buildings,
&c.

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

may

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 98-100.)

may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

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

Other powers of entry on buildings or land.

- (a) enter on and survey and take levels of any land ;
- (b) enter, inspect and measure any building for the purpose of valuation ;
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

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

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

100. The committee, by any person 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 food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or 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 therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption ;

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

and

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 101-103.)

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 therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

101. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

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

Precautions to be observed in entering dwelling.

102. 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.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

103. The committee may, by notice, require the owner of any building in any street to put up and keep

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 104-106.)

keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

104. (1) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

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

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

105. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

106. The committee may, by notice, require any person who without its permission in writing newly

Unauthoriz- ed buildings over drains, &c. erects

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-110.)

erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

107. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

108. The committee may, by notice, 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 to the neighbourhood :

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 to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

109. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same ; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Building, &c., in ruinous or dangerous state.

110. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith

either

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 111-115.)

either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary condition.

111. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

112. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on &c.

113. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

114. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

115. The committee may, by notice, require the owner or person claiming to be the owner of any building

Power to require untenanted buildings

(Chapter VI.—Powers for Sanitary and other
Purposes.—Sections 116 & 117.)

becoming a
nuisance to
be secured or
enclosed.

building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Cultivation,
use of ma-
nure or irri-
gation injur-
ious to health,
after prohi-
bition.

116. (1) The Local Government may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1) he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

Regulation
of offensive
and danger-
ous trades.

117. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

melting tallow ;

boiling

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 118.)

boiling bones, offal or blood ; or
as a soap-house, oil-boiling house, dyeing-house or tannery ; or,

as a brickkiln, pottery or limekiln ; or

as any other manufactory or place of business from which offensive or unwholesome smells arise ; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license 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.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

118. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or

Power to prohibit such trades.

to

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 119.)

to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power to
make rules.

119. (1) A committee may, from time to time, at a special meeting, make rules—

- (a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;
- (b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals 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 securing a proper registration of births, marriages and deaths, and for the taking of a census ;
- (d) for fixing, and from time to time varying, the number of persons who may occupy a building

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 119.)

ing or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(e) for the inspection and proper regulation of encamping-grounds, pounds, saráis, markets and slaughter-houses;

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

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(j) for carrying out the purposes of this Act:

Provided that the committee of a municipality in IV of 1879. which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (a) and (b) in respect of any vehicles to which that Act applies.

(2) When the authorities of any cantonment, with the sanction of the Government of India, have agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the can-

tonment

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 120 & 121.)

tonment and the municipality, and that octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (i) of sub-section (1) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

Additional power to make rules in hill municipalities.

120. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

(a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones ;

(b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears necessary for the prevention of danger or grave inconvenience to the public.

Penalty for infringement of rule.

121. In making any rule under section 119 or section 120 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

122. No

for Sanitary and other
Purposes 120 & 121.)

(Chapter VI.—Powers for Sanitary and other
Purposes.—Sections 122-124.)

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122. No

122. No rule made under section 119 or section 120 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Confirmation of rules.

Supplemental.

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

Execution of acts required to be done by any notice.

(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 that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

124. (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 the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(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 the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application

to

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 125 & 126.)

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) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

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

Compensation
out of municipal
fund.

125. (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 the committee, 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, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals
against cer-
tain orders
of committee.

126. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 93, 114 or 118 may appeal within thirty days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the committee is of the second class;

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OFFENCES

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(Chapter VII.—Offences affecting the Public Health, &c.—Sections 127 & 128.)

class; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for 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 modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

127. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

128. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

129. Whoever

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(Chapter VII.—Offences affecting the Public Health,
&c.—Sections 129-133.)

Non-removal
of filth, &c.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or
altering
drains with-
out autho-
rity.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Penalty for
making or
keeping la-
trines, &c.,
near any
source of
water-supply.

131. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 107, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping ani-
mals so as to
be injurious
to health.

132. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding ani-
mals on dele-
terious sub-
stances.

133. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind,

(Chapter VII.—Offences affecting the Public Health,
&c.—Sections 134-139.)

kind, shall be punishable with fine which may extend to fifty rupees.

134. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Driving vehicles without proper lights.

135. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a 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.

Discharging fire-arms,

136. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

137. Whoever, contrary to any orders of the committee, takes an elephant along a public street or thoroughfare, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

138. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

139. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials

Altering, obstructing or encroaching upon streets, &c.

or

(Chapter VII.—Offences affecting the Public Health,
&c.—Sections 140-144.)

or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying,
blasting,
cutting timber
or building.

140. 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.

Picketing
animals and
collecting
carts.

141. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying
corpses by
prohibited
routes or so
as to cause
annoyance.

142. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.

Destroying
direction-
posts, lamp-
posts, &c.

143. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for
disobedience
to orders of
committee
under last
chapter.

144. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided

(Chapter VIII.—Control.—Section 146.)

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

145. Any prosecution for an offence under section 93, or section 118, or under section 144, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

Prosecution to be suspended in certain cases.

CHAPTER VIII.

CONTROL.

146. (1) The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

Control by Commissioner and Deputy Commissioner.

- (a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress within those limits under its directions;
- (b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;
- (c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record

(Chapter VIII.—Control.—Sections 147-149.)

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

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

Power to suspend action of committee.

147. The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

148. (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 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 of doing the 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 that balance, in priority to all other charges against the same.

Power to provide for performance of duties in

149. (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon

(Chapter VIII.—Control.—Sections 150 & 151.)

upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

case of
default of
committee.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

150. When the Deputy Commissioner makes any order under section 147, section 148 or section 149, he shall forthwith forward to the Local Government through the Commissioner, and when the Commissioner makes any order under section 147 or section 149, he shall forthwith forward to the Local Government, a copy thereof, with a statement of his reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Action of
Deputy Com-
missioner or
Commission-
er to be
immediately
reported.

151. (1) It shall be the duty of the Local Government, and of all Commissioners and Deputy Commissioners acting under its orders, to require that the proceedings of committees shall be in conformity with law.

Powers of
Local Gov-
ernment and
its officers
over com-
mittees.

(2) The Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law.

(3) The

(Chapter VIII.—Control.—Sections 152 & 153.)

(3) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

152. (1) If a 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, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

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

- (a) All members of the committee shall, from the date of the notification, vacate their offices as such members:
- (b) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf:
- (c) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

Disputes.

153. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board

or

(Chapter VIII.—Control.—Section 154.)

or cantonment authority, the matter shall be referred—

- (a) to the Deputy Commissioner, if the local authorities concerned are in the same district;
- (b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and
- (c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(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 clause (a), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee, district board or cantonment authority.

154. The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

Power of Local Government to frame forms and make rules.

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;
- (b) as to the division of the municipality into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;

(e) as

(Chapter VIII.—Control.—Section 154.)

- (e) as to the registration of electors ;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes ;
- (g) generally for regulating all elections under this Act ;
- (h) fixing the term of office of members and presidents of committees ;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill ;
- (j) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought ;
- (k) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality ; and
- (l) generally as to the assessment and collection of taxes imposed under this Act and the fees payable in respect of notices of demand ;
- (m) as to the priority to be given to the several duties of the committee ;
- (n) as to the authority on which money may be paid from the municipal fund ;
- (o) as to the appointment, promotion, dismissal, suspension, reduction and fining of municipal watchmen ;
- (p) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (q) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the

Local

(Chapter VIII.—Control.—Section 155.)

Local Government or officers of that Government shall pass ;

- (r) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;
- (s) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditor's in respect of disallowance and surcharge ;
- (t) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (u) as to the returns, statements and reports to be submitted by committees ;
- (v) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 151 ;
- (w) as to the language in which business shall be transacted, proceedings recorded and notices issued ;
- (x) as to the publication of notices ; and
- (y) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

155. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners,

General powers of Local Government and Commissioners.

(Chapter IX.—Supplemental.—Sections 156-159.)

sioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

156. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of, or with the approval of, the committee.

Member not to be deemed interested in prosecution.

157. A Judge or Magistrate shall not be deemed to be a party to, or personally interested in, any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 188

Saving of prosecutions under other laws.

158. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules.

159. (1) The authority empowered to make rules under section 119, section 120 or section 154 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection

or

(Chapter IX.—Supplemental.—Sections 160-162.)

or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as is required by this section.

160. (1) A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

Rules to be available for purchase and inspection.

(2) Copies of all such rules shall be kept at the committee's office for sale to the public at a reasonable price.

161. (1) The Local Government may, by notification, direct that any rules, regulations or byelaws made under the Panjáb Municipal Act, 1873, or any Act thereby repealed, and in force in any local area being or comprised in a municipality constituted under this Act when the committee for that municipality comes into existence under section 11, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

Continuance of existing rules.

IV of 1873.

(2) The authority empowered to make such new rules shall, as soon as may be, make them, and take such action as may be requisite for bringing them into force.

Notices.

162. (1) Every notice issued by a committee under this Act or under any rule made thereunder shall be

Authentication, service and validity of notices.

in

(Chapter IX.—Supplemental.—Section 163.)

in writing, and shall be sufficiently authenticated by the signature of the president or secretary, 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 posted on some conspicuous part of his place of abode or business.

(2) If the place or abode of 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 or abode of 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 posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

163. When any notice 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 delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or
- (b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

164. Every

(Chapter IX.—Supplemental.—Sections 164-166.)

164. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Publication of public notices.

Alteration of Boundaries and Class of Municipality.

165. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

Notification of intention to alter limits of municipality.

(a) to exclude from a municipality any local area comprised therein and defined in the notification; or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

166. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 165 may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

Alteration of limits of municipality.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

167. (1) When

(Chapter IX.—Supplemental.—Sections 167-170.)

Effect of
exclusion of
local area
from munic-
ipality.

167. (1) When a local area is excluded from a municipality under section 166,—

- (a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and
- (b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of
including
local area in
municipality.

168. When a local area is included in a municipality under section 166, this Act, and, except as the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Power to
change class
of municipa-
lity.

169. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to
except muni-
cipality from

170. (1) If the circumstances of any municipality are such that, in the opinion of the Local Govern-
ment,

(Chapter IX.—Supplemental.—Sections 171 & 172.)

ment, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

provisions of Act unsuited thereto.

(2) While the exception remains in force, the Local Government 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.

171. (1) The Local Government may, by notification, withdraw the local area comprised in any municipality constituted under this Act or the Panjáb Municipal Act, 1873, from the operation of the same.

Power to withdraw municipal area altogether from operation of this Act or Act IV of 1873.

(2) When a notification is issued under this section in respect of any local area, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area; the balance of the municipal fund, and all other property which at the time of the issue of the notification is vested in the municipal committee, shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Miscellaneous.

172. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within

Recovery taxes, &c.

within those limits belonging to the person from whom the money is claimable.

173. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exercisable from time to time.

Relief to agents and trustees.

174. (1) When a person, by reason of his receiving the rent of immovable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

Decision of question as to whether persons are "inhabitants."

175. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Saving of Act XI of 1879.

176. Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

Simla Land-tax.

Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards; It is hereby enacted as follows:—

Simla land-tax continued.

177. (1) The said tax shall, unless and until a committee under this Act comes into existence for the local

SIMLA,
DHARMSI

(Chapter LX.—Supplemental.—Section 177—Schedule.)

local area comprised in that municipality, be deemed to be a tax lawfully imposed and assessed under the Panjáb Municipal Act, 1873, and leviable in addition to any other tax leviable under that Act.

(2) If a committee under this Act comes into existence for that local area, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

SCHEDULE.

(List of places referred to in Section 39.)

SIMLA.

DAIHOUSIE.

DHARMSÁLA.

MURREE.