

THE CENTRAL PROVINCES MUNICIPAL  
ACT, 1873.

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ACT NO. XI OF 1873.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th July 1873).

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

Preamble.

WHEREAS it is expedient, to provide for the appointment of Municipal Committees in towns in the Central Provinces, and for police, conservancy, local improvements, and education in such towns, and for the levying of rates and taxes therein; It is hereby enacted as follows:—

*I.—Preliminary.*

Short title.

1. This Act may be called "The Central Provinces Municipal Act, 1873:"

Local extent.

It extends only to the territories for the time being under the administration of the Chief Commissioner of the Central Provinces;

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. Act No. XV of 1867 (*to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes*), Act No. XXVI of 1850 (*to enable improvements to be made in towns*), Act No. XVIII of 1864 (*to provide for the appointment of a Municipal Committee for the city of Lucknow*) and Act No. XXII of 1865 (*to amend Act No. XVIII of 1864*) are repealed so far as they affect the Central Provinces.

Existing extensions and appointments.

But all extensions and appointments made, and all limits defined, under any of the said Acts, shall be deemed to be respectively made and defined under this Act. And an extension of any particular provision

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sion of Act No. XV of 1867 shall be deemed to be an extension of the corresponding provision of this Act.

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

Existing assessments and bye-laws.

And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

Former proceedings.

3. In this Act—

“Chief Commissioner” means Chief Commissioner of the Central Provinces; and

Interpretation-clause.

“Chief Commissioner.”

“Committee” means a Municipal Committee under this Act.

“Committee.”

4. The Chief Commissioner may, by notification published in the *Central Provinces Gazette*, declare his intention to extend this Act, or any of its provisions, to any town in the said territories.

Power to extend Act to towns.

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

Objection to such extension.

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

Procedure thereon.

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

Power to define limits of towns to which Act extends.

II.—*Appointment, Duties and Powers of Committees.*

6. In every town to which this Act is extended, the Chief Commissioner shall appoint, or cause to be appointed,

Appointment of Committee.

appointed, a Committee consisting of not less than five members.

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

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

The Chief Commissioner may—

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

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

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

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

Power to  
levy rates or  
make assess-  
ments.

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

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

Objection to  
rates.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the President of the Committee, and the Committee shall take

such

such objection into consideration and report their opinion thereon to the Chief Commissioner.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction of the Chief Commissioner, to be notified in the *Central Provinces Gazette*, define the persons or property and the amount or rate of the taxes aforesaid, and may then impose such taxes accordingly.

Procedure thereon.

8. The Chief Commissioner may from time to time make rules—

Power to make rules for collection and application of rates.

as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed,

and for the collection of such taxes ;

and for the safety and due application of them when collected ;

and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, in such form as he may think fit.

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

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

Recovery of rates.

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

Municipal Fund.

The Municipal Fund shall, as a rule, be kept in the Government Treasury of the District or in the Bank (if any) to which the Government Treasury business shall have been made over.

But

But in places where there is no such Treasury or Bank, the said fund may, with the previous consent of the Local Government, be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and re-payment on demand of the fund so deposited as the Local Government in each case thinks sufficient.

No disbursement of the Municipal Fund or any part thereof shall be made except under the signature of the President or Vice-President and one other member of the Committee.

Duties and powers of Committees.

11. Every Committee, so far as the Municipal Fund at their disposal permits, shall in the first place

(a) make provision out of such fund for a police establishment in manner hereinafter mentioned ;

and shall then

(b) keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed, clean and repaired ;

and may then

(c) do all acts and things necessary for the construction, repair and maintenance of local public works of general utility ;

(d) make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education ;

(e) make provision for promoting the public health, safety, comfort and convenience.

Provision for police.

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

Power to make bye-laws as to business and officers.

13. Every Committee may make bye-laws for regulating—

the time and place of their meeting ;

the conduct of their business ;

the division of duties among the members of the Committee ;

the

the duties, salaries, appointment, suspension and removal of the officers and servants of the Committee; and other similar matters.

14. Any Committee may make rules—

Power to make rules.

(a) for declaring what acts or omissions within the limits of the town shall be considered to be public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*):

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

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

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

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

15. No rule, and no alteration or repeal of or addition to a rule, shall have effect until it has been confirmed by the Chief Commissioner.

Rules to be confirmed and published.

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

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

Power to enter on private property.

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

Power to suspend or limit powers of Committees.

### III.—Suits

*III.—Suits by and against Committees.*

Suits by and against Committees.

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

Contracts of Committees.

Every contract made on behalf of any Committee in respect of any sum or property exceeding twenty rupees in amount or value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee.

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

Liability of members of Committees.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, contracts duly made as aforesaid.

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

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

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

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

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

Every such suit shall be commenced within three months next after the accrual of the right to sue and not afterwards.

• And

And if any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

*IV.—Penalties.*

**20.** No member or servant of a Committee shall be interested, directly or indirectly, in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees :

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

Provided that no person, by being a shareholder in, or member of, any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee.

Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

**21.** Whoever infringes any rule made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and, in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

Penalty for infringement of rules or non-payment of fines.

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

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

Prosecutions.

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

Recovery of fines.