

THE CENTRAL PROVINCES MUNICIPAL ACT, 1889.

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ACT No. XVIII OF 1889.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th December, 1889.)

An Act to make better provision for the Organization and Administration of Municipalities in the Central Provinces.

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

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Central Provinces Municipal Act, 1889.

Title, extent and commencement.

(2) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

(3) It shall come into force on the first day of January, 1890.

2. (1) The Central Provinces Municipal Act, Repeal. 1873, is hereby repealed:

(2) But all municipalities constituted, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits instituted under the said Act, or under any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established,

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(Chapter I.—Preliminary.—Sections 3-5.)

established, defined, made, issued, imposed, entered into and instituted under this Act.

Definitions.

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

(1) “municipality” means a local area declared by or under this Act to be a municipality :

(2) “committee” means a municipal committee established by or under this Act :

(3) “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 :

(4) “owner”, used with reference to any building or land, includes the person who is receiving the rent of the building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant :

(5) “prescribed” means prescribed by rules made under this Act by the Local Government.

Notification
of intention
to constitute
a municipi-
pality.

4. (1) The Local Government may, by notification published in the official Gazette and in the prescribed manner within the local area affected, declare its intention to constitute as a municipality under this Act any town or any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town :

Provided that it shall not, without the previous sanction of the Governor General in Council, so include any part of a military cantonment.

Consider-
ation of ob-
jections and
constitution
of the muni-
cipality.

5. (1) Any inhabitant of a local area in respect of which a notification has been published under the last foregoing section may, if he objects to the constitution of the proposed municipality, submit his objection

(Chapter II.—Organization of Committees.—Sections 6-7.)

objection in writing to the Local Government within three months from the date of the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When three months from such date 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 a notification in the official Gazette, declare the local area to be a municipality.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

6. (1) There shall be established for each municipality a committee having authority over that municipality and consisting of such number of members, not less than five, as may be prescribed.

Number and
appointment
of members
of committee.

(2) Such members may be appointed, in the prescribed manner, by virtue of their office, or by nomination, or by election, or some by one and some by any other of such methods.

(3) Not less than two-fifths of the members of a committee shall be persons other than salaried officers of the Government.

(4) Every appointment of a member shall be notified in the official Gazette.

7. (1) The Local Government may make rules regarding—

(a) the term of office of members of committees;

(b) the division of any municipality into wards;

(c) the number of representatives to be appointed for each ward, and the manner of their appointment, whether by virtue of their office,

Rules re-
garding term
of office,
wards, class-
represent-
ation and
elections of
committees.

or

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(Chapter II.—*Organization of Committees.—Sections 8-9.*)

or by nomination, or by election, or some by one and some by any other of such methods;

- (d) the provision, if any, to be made for the special representation of any classes of the community;
- (e) the qualifications of electors and of candidates for election;
- (f) the registration of electors;
- (g) the nomination of candidates, the time of election and the mode of recording votes; and
- (h) any other matters regarding the system of representation and election.

(2) The Local Government may, in making such rules, direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

Incorporation of committee.

8. Every committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules under section 129, to transfer any property held by it, and 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.

Appointment of president and vice-president.

9. (1) There shall be a president and vice-president of every committee.

(2) The Local Government may appoint the president or vice-president, or both of them, or may authorize any committee to elect its president or vice-president, or both of them, subject to such rules as may be prescribed in this behalf.

(3) The election of a president or vice-president shall not be valid until it has been confirmed by the Local Government and has been notified in the official Gazette.

(4) A

(Chapter II.—Organization of Committees.—Sections 10-12.)

(4) A president and vice-president shall hold office for such term as may be prescribed.

(5) When a person not already a member of the committee is appointed or elected president or vice-president, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his appointment or election, and shall continue to be a member so long as he holds office as president or vice-president.

10. The Local Government may, at any time, remove the president or vice-president or any other member of a committee—

Removal of president, vice-president and members of committee.

(a) if he refuses to act or becomes 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 the president or vice-president or a member of the committee;

(b) if he, without an excuse sufficient in the opinion of the Local Government, absents himself for more than three consecutive months from the meetings of the committee or of a sub-committee appointed under section 19;

(c) if his continuance in office is, in the opinion of the Local Government, undesirable in the interests of the public or the municipality.

Conduct of Business.

11. (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 thereunder to be transacted at a special meeting.

12. (1) A committee shall meet for the transaction of business at least once in every month at such time

Time for holding meetings.

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(Chapter II.—Organization of Committees.—Sec-
tions 13-15.)

time as may, from time to time, be fixed by bye-laws under section 17.

(2) The president or, in his absence, the 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.

Chairman of
meeting.

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

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting, and the vice-president is present, the vice-president 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.

Quorum.

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

(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 bye-laws under section 17, but shall be not 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.

Vote of
majority
decisive.

15. Except as otherwise provided by this Act or by rules or bye-laws thereunder, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present,

(Chapter II.—*Organization of Committees.*—*Sections 16-17.*)

present, and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

16. (1) Minutes of the proceedings at each meeting of a committee shall be 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 the manner prescribed, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant of the municipality.

Record and
publication
of proceed-
ings.

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

17. (1) Every committee may, from time to time, at a special meeting, with the previous sanction of the Local Government, make bye-laws consistent with this Act and the rules thereunder for regulating—

Bye-laws for
conduct of
business.

- (a) the time and place of its meetings;
- (b) the conduct of its business;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the division of duties among the members of the committee;
- (e) the duties, salaries, appointment, suspension, fining and removal of the officers and servants of the committee;
- (f) the persons by whom receipts may be granted on behalf of the committee for money received under this Act; and
- (g) all other similar matters.

(2) In the case of such officers and servants as may be prescribed, all orders of a committee fining or removing an officer or servant shall be appealable to the Deputy Commissioner.

Joint

Joint Committees.

Joint
committees.

18. (1) A committee may, from time to time, concur with any other committee, or with a district council, or with an independent local board, or with a cantonment authority, or with more than one such committee, council, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee and in delegating to any such joint committee any power which might be exercised by either or any of the committees, councils, boards or authorities, and in framing and 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.

(2) If any difference of opinion arises between committees, councils, boards or authorities acting under this section, the decision thereon of the Commissioner of the division if the areas under the committees, councils, boards or authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

Sub-committees.

Sub-commit-
tees.

19. (1) With the previous sanction of the Local Government, a committee may, from time to time, appoint the members appointed for any one or more wards to be a sub-committee for the management of the ward or wards, and may delegate to the sub-committee all or any of the powers of the committee to be exercised within the ward or wards subject to such conditions as may be prescribed.

(2) The sub-committee shall, if necessary, from time to time appoint in the manner prescribed one of its members to be chairman of the sub-committee.

Officers

(Chapter II.—*Organization of Committees.*—*Sections 20-22.*)

Officers and Servants.

20. (1) Every committee shall, from time to time, at a special meeting and subject to the approval of the Local Government, appoint one or more of its members, or, with the sanction of the Local Government, any other person or persons, to be its secretary or secretaries, and may, at a like meeting and subject to the like approval, remove any person so appointed.

Appointment
of secretary.

(2) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Local Government, assign to a secretary such salary as the committee thinks fit.

(3) Every sub-committee may, from time to time, appoint and remove its secretary in the like manner and subject to the like approval and with the like sanction as provided in the case of a committee by sub-section (1), and the provisions of sub-section (2) shall apply to a secretary of a sub-committee.

21. 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.

22. If, in the opinion of the Commissioner of the division, 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

Power to pre-
vent extra-
vagance in
establis-
ments.

requirement

requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be :

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.

Pensions of Government officials serving committees.

23. In the case of a Government official a committee may—

(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 Civil Service Regulations 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 and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

24. In the case of an officer or servant not being a Government official, a committee may, with the previous sanction of the Local Government,—

(1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay be less than ten rupees, a gratuity ; and

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

(a) subscribe on his behalf for pension or gratuity under the rules of the Civil Service Regulations 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 Civil Service Regulations for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

(Chapter II.—*Organization of Committees.*—*Sections 25-27.*)

Contracts.

25. (1) A committee may delegate to one or more of its members or to a secretary the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts. Authority to contract.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be entered into until it has been sanctioned by the committee at a meeting.

26. (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing. Mode of entering into contracts.

(2) Every such contract shall be signed by the president or vice-president and a secretary:

Provided that the committee may delegate to one or more of its members or to a secretary the power of signing any contracts which he or they is or are empowered to enter into under section 25, sub-section (1).

(3) If a contract to which this section applies is entered into otherwise than in conformity therewith, it shall not be binding on the committee.

Privileges and Liabilities.

27. (1) No suit shall be instituted against a committee or any of its officers or any person acting under its direction for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of a committee, delivered or left at its office and, in the case of an officer or person, delivered to him or left at his office or usual place of abode, stating the cause of action, the name and place of abode of the intended plaintiff and the relief which he claims. Bar of suit in absence of notice.

(2) Unless

(*Chapter II.—Organization of Committees.—Section 28. Chapter III.—Taxation and Municipal Fund.—Section 29.*)

(2) Unless service of such notice be proved the Court shall dismiss the suit.

(3) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(4) If it is proved to the satisfaction of the Court that before the suit was instituted tender of sufficient amends had been made to the plaintiff, the plaintiff shall not recover his costs or anything beyond the amount of such tender, and shall defray the costs of the defendant in the suit.

(5) This section shall not apply to any suit instituted under section 54 of the Specific Relief Act, I of 1877. 1877.

Liability of members for loss, waste or misapplication.

28. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to, or under the control of, the 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 by the committee with the previous sanction of the Commissioner of the division, or by the Secretary of State for India in Council.

CHAPTER III.

TAXATION AND MUNICIPAL FUND.

Taxation.

Taxes which may be imposed.

29. Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each

(Chapter III.—*Taxation and Municipal Fund.*—
Section 29.)

each case and in the manner prescribed by section 30, any of the following taxes, namely :—

(1) with the previous sanction of the Local Government,—

- (a) a tax on houses, buildings or lands situate within the municipality, not exceeding seven and a half per centum of the gross annual letting value of the houses, buildings or lands ;
- (b) a tax on persons occupying houses, buildings or lands within the municipality according to their circumstances and property within the municipality ;
- (c) a tax on persons exercising any profession or art, or carrying on any trade or calling, in the municipality ;
- (d) a tax on all or any vehicles or animals used for riding, driving, draught or burden when such vehicles or animals are kept within the municipality ;
- (e) a tax on vehicles and animals used as afore-said entering the municipality, and on boats moored therein ;
- (f) an octroi on goods or animals brought within the municipality for consumption or used therein ;
- (g) market-dues on dealers using any building, structure, market, bázár or ganj belonging to or under the control of the committee, or exposing goods for sale in any place belonging to the Government or to the committee or under its control ;
- (h) fees on the registration of cattle sold within the municipality ;
- (i) a latrine or conservancy cess upon private latrines, premises or compounds cleansed by
municipal

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(Chapter III.—*Taxation and Municipal Fund.*—
Section 30.)

municipal servants, or a cess for the use of public latrines; and

(j) a water-rate when water is supplied by the committee:

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

Procedure
in imposing
taxes.

30. (1) A committee may resolve at a special meeting to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1) the committee shall publish in the manner prescribed 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 of the municipality objecting to the proposed tax may, within a month 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 objection is submitted within the said period of a month under sub-section (3), or if the objections so submitted, having been considered as aforesaid, are deemed insufficient, the committee may forward its proposals to the Local Government with the objections, if any, which have been submitted as aforesaid.

(5) The Local Government on receiving proposals under sub-section (4) 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 proposals which, under section 29, clause (2), require the further sanction of the Governor General in Council,

*(Chapter III.—Taxation and Municipal Fund.—
Sections 31-35.)*

cil, it shall submit those proposals 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 the 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 those proposals from such date as may be sanctioned by the Local Government.

31. A tax imposed under this Act shall not be invalid for defect of form, and, when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

Tax not invalid for defect of form.

32. Any tax imposed under this Act 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.

33. A committee, by a resolution passed at a special meeting and confirmed by the Local Government, may abolish or reduce any tax imposed under this Act or suspend the operation of any tax within any part of the municipality for any specified period.

Power of committee to abolish or reduce tax.

34. For reasons to be recorded in writing the Local Government may exercise the powers conferred on a committee by the last foregoing section.

Power of Local Government to abolish or reduce tax.

35. (1) Arrears of any tax imposed 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 belonging to the defaulter within those limits.

Recovery of taxes.

(2) If

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(Chapter III.—*Taxation and Municipal Fund.*—
Sections 36-37.)

(2) If the arrear is due in respect of immoveable property, it shall, subject to any claim on behalf of Her Majesty, be a first charge on the property, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner of the district, as if the property were land 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.

Municipal Fund and Property.

Constitution
of municipal
fund.

36. 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 ;
- (b) all fines recovered from persons convicted of offences committed within the municipality against this Act or the rules thereunder or against section 34 of Act V of 1861 (*for the Regulation of Police*) or against Act III of 1867 (*to provide for the punishment of public gambling and the keeping of common gaming-houses*) ;
- (c) the balance (if any) standing at the commencement of this Act at the credit of the municipal fund under the control of the committee.

Application
of fund.

37. (1) The committee shall set apart and apply annually out of the municipal 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

(Chapter III.—*Taxation and Municipal Fund.*—
Section 37.)

tions as are referred to in sections 23 and 24, and such sum as may be required for the maintenance of a police-establishment under Chapter IV ;

- (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 ;

- (d) *fourthly*, the cost of the construction and maintenance of buildings for the offices of the committee.

(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 be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the limits of the municipality, and, with the sanction of the Commissioner of the division, to the payment of the like charges and expenses outside those limits when such application of the fund is for the benefit of the inhabitants of the municipality, namely :—

- (a) the construction, maintenance, improvement, cleansing and repair of streets and public bridges, embankments, drains, latrines, tanks and water-courses ;

- (b) the watering and lighting of the streets or any of them ;

- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries,
and

and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, recreation-grounds, gardens, parks, 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, and the registration of births, marriages and deaths ;
- (j) public vaccination and any other sanitary measure ;
- (k) the holding of fairs and industrial exhibitions ; and
- (l) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody and investment of municipal fund.

38. (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.

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited

(Chapter III.—*Taxation and Municipal Fund.*—Section 39. Chapter IV.—*Municipal Police.*—Section 40.)

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.

(3) 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 approve in this behalf, and vary such investments for others of the like nature. The income resulting from the securities and proceeds of the sale of the same shall be credited to the municipal fund.

39. (1) All streets, roads and bridges over which the public have a right of way, all tanks, wells, ghats, channels, sewers and drains within the municipality, not being private property or specifically excepted by an order of the Local Government, together with the pavements, stones and other materials thereof, and all erections, materials, implements and other things provided therefor, shall vest in and belong to the committee and shall be held and applied by it for the purposes of this Act.

Vesting of public property in committee.

(2) The Local Government may, by notification in the official Gazette, direct that any property which has vested under sub-section (1) in the committee shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested, and the Local Government may pass such orders as it thinks fit regarding the disposal and management of such property.

CHAPTER IV.

MUNICIPAL POLICE.

40. (1) Every committee shall, unless it is relieved of

Police-establishment.

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 the committee by this Act.

(2) Subject to the provisions of the Cantonments Act, 1889, the establishment maintained under sub-section (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 District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct. XIII of

Relief of
committee
from police-
charges.

41. (1) The Local Government may relieve any committee of the whole or a part of the cost of the police-establishment, and may enter into a contract 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 a part of the cost of the police-establishment, the Local Government shall maintain such police-establishment as it considers necessary, and, subject to the provisions of the Cantonments Act, 1889, 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. XIII of

42. (1) If

(Chapter IV.—Municipal Police.—Sections 42-44.)

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

Appoint-
ment,
liabilities
and duties
of municipal
watchmen.

- (a) be under the orders of the District Superintendent of Police subject to the general control of the District Magistrate ;
- (b) be appointed and promoted, and be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf ;
- (c) perform such duties as the Local Government may, subject to the provisions of this Act, direct ; and
- (d) 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 without warrant by a police-officer or by any such watchman.

43. If the establishment maintained under this Chapter or any portion of such establishment is part of the general police-force, the Local Government may, notwithstanding anything 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.

44. 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, or any religious ceremony or festival held within the municipality, the Local Government may provide such protection, and the committee shall pay the whole charge thereof

Police-
protection
at fairs.

or

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(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 45-49.)

or such portion of the charge as the Local Govern-
ment may consider equitably debitable to it.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

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

45. 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.

46. The committee may close temporarily any street 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 street vested in the committee and sell the land or such part thereof as is not required for the purposes of this Act.

Power to
permit tem-
porary
occupation
of streets
or land.

47. 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.

48. 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.

Names of
streets and

49. The committee at a meeting may cause a name to be given to any street, and to be affixed on any building

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 50-52.)

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.

numbers of buildings.

50. The committee at a meeting may direct that, within certain limits, to be fixed by it, the roofs and external 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 notice, require any person who has disobeyed any such direction to remove or alter as it may think fit the roofs or walls so made or renewed.

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

51. (1) If any building or part of a building projects beyond the front of the building on either side thereof, or beyond the regular line of a street, either existing or determined on for the future, 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, require by notice 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 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 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.

52. (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

Notice of new buildings.

be

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 which may be 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:

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

(2) If any such building is erected or re-erected, wholly or in part, without such notice being given, or without the submission of particulars as aforesaid when required, or in contravention of the lawful directions of the committee issued within one month, 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 erecting any wall and 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

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 53-54.)

sion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

53. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a 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 street or projects into or encroaches on any drain, sewer or aqueduct 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 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 and Washing Places.

54. 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 of the municipality ; and may, by public notice, prohibit bathing, or washing animals

Bathing and washing places.

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(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 55-57.)

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 which may render water in public places foul or unfit for use or may cause inconvenience or annoyance to persons using the bathing or washing places.

Deposit of Offensive Matter and Slaughter-places.

Removal and
deposit of
offensive
matter.

55. The committee may fix places within or, with the approval of the Deputy Commissioner of the district, 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.

56. (1) The committee may, with the approval of the Deputy Commissioner of the district, 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, or are under the control of, 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 of the same as if they were within those limits.

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

Slaughter of
animals for
other
purposes.

57. Whenever it appears to the Deputy Commissioner of the district to be necessary for the preservation of the public peace or order, he may, with
the

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 58-60.)

the previous sanction of the Commissioner of the division, prohibit or regulate, by notification published in the manner prescribed, the slaughter within the limits of a municipality of animals, or of any specified description* of animals, for purposes other than sale, and prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Burial and Burning Places.

58. (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 commencement of this Act, without the permission in writing of the committee.

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

Removal of corpses.

Inflammable Materials.

60. The committee may, where it appears to it to be necessary for the prevention of danger to life or property,

Inflammable materials.

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 61-63.)

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
privies,
drains and
cesspools.

61. (1) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice to the occupier or, if there is no occupier, to the owner of any building or land in which any privies, drains or cesspools are situate, inspect any such privies, drains or 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 building or land; 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.

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

Other powers
of entry on
buildings or
land.

63. 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

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 64-65.)

owner of any building or land, at any time between sunrise and sunset—

- (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 the committee is by this Act empowered to execute or maintain.

64. 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 animal or vehicle which is liable to taxation under this Act and for which a license has not been duly taken out.

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

65. (1) 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 or storage of articles intended for food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug 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, if the owner or the person in whose possession the same is found consents, 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, 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

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

(2) If the committee, or any person authorized by it in this behalf, applies to purchase any article of food or drink exposed for sale, and tenders the price for a quantity such as may be reasonably requisite for the purpose of analysis, the person exposing the same for sale shall be bound to sell such quantity.

Power of
entry for
purpose of
scavenging.

66. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offensive matter pertaining to any building 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 ob-
served in
entering
dwelling.

67. 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,

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 68-70.)

Water-pipes, Privies and Drains.

68. The committee may by notice require the owner of any building in any street to put up and 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 cause injury to the street or inconvenience to persons passing along the street.

Troughs and pipes for rain-water.

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

Provision of privies or cesspools.

(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 trap-door of a privy opening on to any street or drain.

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

Repair and closing of privies, drains and cesspools.

(2) The committee may by notice require any person who constructs any new privy, drain 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 privy, drain or cesspool which the committee has ordered to be removed or stopped up or not to be made,

made, to remove the privy, drain or cesspool, or to make such alteration therein as the committee thinks fit.

Unauthorized
buildings
over drains.

71. The committee may by notice require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the building as it thinks fit.

Removal of
drains,
latrines or
cesspools
near any
source of
water-supply.

72. 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 of
unwhole-
some tanks.

73. The committee may by notice require the owner or occupier of any building or land 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 under this section any drainage it is necessary to acquire any land not belonging to such owner or occupier 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 build-
ings, wells,
tanks or ex-
cavations to
be secured.

74. 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 the committee to be necessary in order to prevent imminent danger, the committee shall forth-
with

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 75-79.)

with take such steps as are necessary to avert the danger.

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

Power to require building, wall or structure in ruinous or dangerous state to be removed or repaired.

Buildings and Grounds in Insanitary Condition.

76. The committee may by notice require the owner or occupier of any land to clear away and remove any thick or noxious vegetation 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.

77. The committee may by notice require the owner or occupier of any land to cut or trim, within three days, the hedges standing on the land and bordering on any street, or the branches of trees growing on the land and overhanging any street and obstructing the same or causing danger thereto, or so overhanging 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 require owner to trim hedges and trees bordering on street.

78. 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 to cleanse the same or otherwise put it in a proper state within twenty-four hours.

Power to require filthy buildings or land to be cleaned.

79. 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 for other sufficient reason, the committee may by notice prohibit

Power to prohibit use for human habitation of buildings unfit for such use.

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(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 80-82.)

prohibit the owner or occupier of the building from using it for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

80. The committee may by notice require the owner or person claiming to be the owner of any 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 specified in the notice.

Power to prohibit cultivation, use of manure or irrigation injurious to health.

81. (1) If the Sanitary Commissioner reports 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, the Local Government may, by notification in the official Gazette, 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 as may prevent the injury.

(2) 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.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

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

melting tallow ; or

boiling

(Chapter V.—Powers for Sanitary and other Purposes.—Section 83.)

boiling bones, offal or blood; or
 as a soap-house, oil-boiling house, dyeing-house
 or tannery; or
 as a brick-kiln, pottery or lime-kiln; 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, thatch-
 ing-grass, wood or coal, or other dangerously
 inflammable material; or
 as a store-house for kerosine, petroleum, naptha
 or any inflammable oil, spirit or explosive sub-
 stance;

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 com-
 mittee, which shall be renewable annually.

(3) The license shall not be withheld unless the
 committee considers that the business which it is in-
 tended 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.

83. If it is shown to the satisfaction of the com-
 mittee, at a meeting, that any place registered or
 licensed under the last foregoing section is a nuisance
 to the neighbourhood or likely to be dangerous to life,
 health or property, the committee may by notice re-
 quire the occupier of the place to discontinue the
 use thereof, or to use the place in such manner as will,
 in the opinion of the committee, render it no longer a
 nuisance or dangerous.

Power to
 prohibit such
 trades.

Power

T

Power to make and enforce Rules.

Power to
make rules.

84. (1) A committee may, from time to time, at a special meeting, make rules consistent with this Act—

- (a) for protecting from injury or interference anything within the municipality being the property of Her Majesty or of the committee;
- (b) for prohibiting or controlling the establishment or maintenance of markets, sarais, halting-places and slaughter-houses, and inspecting and regulating the same and any places of public entertainment and resort;
- (c) for licensing, controlling and regulating the practice of brokers, measurers and weighmen practising their calling in public places within the municipality;
- (d) for prescribing the standard weights and measures to be used within the municipality;
- (e) for controlling and regulating the use and management of burial and burning grounds;
- (f) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Indian Factories Act, 1881, is to provide for the consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood;
- (g) 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;

(h) for

(Chapter V.—Powers for Sanitary and other Purposes.—Section 84.)

- (h) 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 where those conveyances, animals or persons 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;
- (i) for securing a proper registration of births, marriages and deaths;
- (j) for the proper regulation of buildings let in lodgings or occupied by more than one family;
- (k) for the supervision and regulation of public cisterns, water-standards, wells, tanks, springs or other sources of public water-supply; and, when water is supplied from a public source to any private premises, for regulating and controlling such supply;
- (l) for prohibiting the offering of meat or any specified description of meat for sale except at a shop or stall or in a market-place;
- (m) for controlling and regulating the duties of sweepers employed by the committee and prescribing the conditions on which they may withdraw from employment;
- (n) when the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purposes of that tax; and,
- (o) generally, for carrying out the purposes of this Act.

(2) In making any rule under this section a committee may direct that a breach of it shall be punished with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with further fine

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(Chapter V.—Powers for Sanitary and other Pur-
poses.—Sections 85-86.)

fine which may extend to five rupees for every day after the first during which the breach continues.

(3) A rule under this section shall not come into force until it has been confirmed by the Local Government and published for the prescribed time and in the prescribed manner.

(4) Notwithstanding anything in the foregoing portion of this section, the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) in respect of any vehicles to which that Act applies. XIV

Power to prohibit commission of public nuisances.

85. Subject to any orders which the Local Government may make in this behalf, a committee may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance under the Indian Penal Code. XLV

Powers as to conditional orders in respect of certain acts and omissions.

86. (1) The Local Government may invest, within the limits of the municipality, a committee with the powers of a District Magistrate as described in section 133 of the Code of Criminal Procedure, 1882, and with power to make conditional orders of the nature referred to in that section, in respect of all or any acts or omissions punishable under rules made in exercise of the power conferred by section 84, sub-section (1), clauses (a), (b), (e), (j) and (k). X of

(2) Sections 133 to 142 (both inclusive) of the Code of Criminal Procedure, 1882, shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers:

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some Magistrate of the first or second class appointed by him in this behalf" were substituted.

(3) The

(Chapter V.—Powers for Sanitary and other Purposes.—Sections 87-89.)

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has under this section invested a committee.

87. A committee may, at a special meeting, delegate to one or more sub-committees of its members any of the powers which are vested in the committee by section 85, or with which the committee may have been invested under section 86.

Delegation of powers under sections 85 and 86.

Supplemental.

88. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the notice 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 building or land fails to comply with the terms of any notice under this Chapter requiring him to do any act in, upon or in respect to that building or land, the committee may, after six hours' notice, cause the act to be done by its officers.

89. (1) Where the owner or occupier of property is required under this Act by the committee to execute any work and makes default in complying with the requisition, 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 due or from time to time accruing due from him to the owner of the property in respect of which the payment is made, or may otherwise recover such sum from the owner.

(3) An occupier shall not be required to pay under sub-section (2) any greater sum than the amount of rent which is for the time being due from him

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 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 which was 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.

90. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any power vested in the committee, its officers or servants, under this Act, and shall, subject to the other provisions of this Act, 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 X of 18 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

91. (1) Any

(Chapter V.—Powers for Sanitary and other Purposes.—Section 91. Chapter VI.—Offences and Penalties.—Sections 92-93.)

91. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 58, 79 or 83 may appeal within thirty days from the date thereof to the Deputy Commissioner of the district; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeals against certain orders of committee.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner of the division 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 confirmed, set aside or modified until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VI.

OFFENCES AND PENALTIES.

92. Whoever, without the permission in writing 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 street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Penalty for depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

93. Whoever, without the permission in writing of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter,

Penalty for causing or allowing sewage to flow upon a public place.

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(*Chapter VI.—Offences and Penalties.—Sections*
94-97.)

to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Penalty for
non-removal
of filth.

94. 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 punished with fine which may extend to fifty rupees.

Penalty for
making or
altering
drains
without
authority.

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

Penalty for
making or
keeping
latrines near
any source of
water-supply.

96. Whoever makes, without the permission in writing of the committee, or keeps for a longer time than one week after notice to remove or close issued under section 72, 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 punished with fine which may extend to twenty rupees, and, when a notice has issued, with further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for
keeping
animals so as
to be
injurious to
health.

97. 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 punished with fine which may extend to twenty rupees, and with further fine which may extend

(Chapter VI.—Offences and Penalties.—Sections 98-104.)

extend to five rupees for every day after the first during which the offence is continued.

98. Whoever feeds or allows to be fed on deleterious substances, filth or refuse of any kind any animal which is kept for dairy purposes or may be used for food shall be punished with fine which may extend to fifty rupees.

Penalty for feeding animals on deleterious substances.

99. Whoever drives any vehicle of any kind after dark in any street unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary shall be punished with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper lights.

100. Whoever drives any vehicle without having the proper means of controlling the animal harnessed therein shall be punished with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper means of control.

101. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or flies kites, 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 punished with fine which may extend to twenty rupees.

Penalty for discharging fire-arms.

102. 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, or of any vehicle drawn by bullocks, shall be punished with fine which may extend to twenty rupees.

Penalty for non-removal of elephants or camels on approach of a horse or bullock-cart.

103. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punished with fine which may extend to twenty rupees.

Penalty for taking elephants along streets.

104. Whoever, contrary to any orders of the committee made with the sanction of the Deputy Commissioner of the district, beats any drum or sounds any musical instrument, so as to cause annoyance

Penalty for beating drum or sounding musical instrument.

to

to the public, shall be punished with fine which may extend to twenty rupees.

Penalty for suffering dogs to be at large.

105. 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 street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for altering, obstructing or encroaching upon streets.

106. Whoever, without the permission in writing of the committee, alters, obstructs or encroaches upon any street, public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

Penalty for quarrying, blasting, cutting timber or building.

107. 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 punished with fine which may extend to fifty rupees.

Penalty for picketing animals and collecting carts.

108. 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 kind or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

Penalty for making or selling food when suffering from disease.

109. Whoever, when suffering from any infectious or contagious disease, makes or offers for sale any article of food for man shall be punished with fine which may extend to two hundred rupees.

Penalty for disturbing direction-posts or lamps.

110. Whoever, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light maintained by the committee in any street or public place, shall be punished

(Chapter VI.—Offences and Penalties.—Sections
111-116.)

punished with fine which may extend to twenty rupees.

111. Whoever destroys, pulls down or defaces any name or number put up under section 49 by order of the committee, or puts up any different name or number, shall be punished with fine which may extend to twenty rupees.

Penalty for destroying or defacing names or numbers.

112. Whoever contrary to the provisions of section 56 slaughters for sale any animal at any place within the municipality other than the place fixed under that section shall be punished with fine which may extend to twenty rupees.

Penalty for slaughtering for sale any animal contrary to section 56.

113. Whoever slaughters any animal or conveys meat from the place of slaughter contrary to any prohibition, regulation or order under section 57 shall be punished with fine which may extend to two hundred rupees.

Penalty for slaughtering animal or conveying meat contrary to prohibition, regulation or order.

114. 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 section 58, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Penalty for burying or burning corpse contrary to section 58.

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

Penalty for carrying corpses by prohibited routes or so as to cause annoyance.

116. (1) Whoever sells to the prejudice of any purchaser any article of food or drink for the consumption of man which is not of the nature, substance or quality of the article demanded by such purchaser shall be punished with fine which may extend to one hundred rupees.

Penalty for selling article of food or drink of a nature different from the article demanded.

(2) The provisions of sub-section (1) shall not apply in the following cases, namely:—

(a) when any matter or ingredient not injurious to health

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(Chapter VI.—Offences and Penalties.—Sections
117-119.)

health has been added to the food or drink, in order to make the food or drink fit, as an article of commerce, for carriage or consumption, and not with intent fraudulently to increase the bulk, weight or measure of the food or drink or to conceal the inferior quality thereof;

(b) when the food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) The provisions of this section apply to the purchase under section 65 of any article for the purpose of analysis.

Penalty for possession of food, drink or animal unfit for consumption.

117. If the owner or the person in possession of any food or drink or animal which is seized under section 65, sub-section (1), does not consent to the destruction or disposal of the same, the Magistrate, if it is proved that the food or drink or animal was intended for the consumption of man and is unfit therefor, may order the food or drink or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the consumption of man, and may direct that such owner or person shall be punished with fine which may extend to one hundred rupees :

Provided that a person who is in possession of food or drink or of an animal as a carrier or bailee thereof shall not be liable to a fine under this section.

Penalty for refusing to sell food or drink.

118. Whoever, contrary to the provisions of section 65, sub-section (2), refuses to sell any article of food or drink shall be punished with fine which may extend to fifty rupees.

Penalty for cultivating, manuring or irrigating contrary to section 81.

119. If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under section 81, sub-section (1), he shall be punished 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.

120. Whoever

(Chapter VI.—Offences and Penalties.—Sections 120-123.)

120. Whoever, contrary to the provisions of section 82, uses without registration or without a license any place for any purpose mentioned in that section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Penalty for using places for offensive or dangerous trades without registration or license.

121. Whoever, after notice has been given under section 83, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Penalty for using places for offensive or dangerous trades, after prohibitory notice.

122. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon the committee by the last foregoing Chapter, or any written notice lawfully issued by the committee 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 punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach continues :

Penalty for disobedience to orders of committee not punishable under any other section.

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.

123. Any prosecution for an offence punishable under section 114, or section 121, or section 122, when the order which has been disobeyed is appealable, shall, when the Magistrate learns that an appeal has been instituted from the order which has been

Prosecution to be suspended in certain cases.

disobeyed,

disobeyed, be suspended pending the decision of the appeal; and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against the section.

CHAPTER VII.

CONTROL.

Control by
Commissioner or
Deputy Com-
missioner.

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

- (a) enter on and inspect, or cause to be entered on and inspected, any immovable property situate within the limits of his division or district and occupied by any committee or joint committee, or any work in progress within those limits under the direction of a committee or joint committee;
- (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 those 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 or joint committee as he may think fit to call for; and
- (d) record in writing, for the consideration of any such committee or joint committee, any observations which he may think proper in regard to the proceedings or duties of the committee.

Power to
suspend ac-
tion under
Act.

125. (1) The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend within the limits of the division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit

prohibit the doing within those limits of any act 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.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

126. (1) In cases of emergency the Deputy Commissioner of the district 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 doing the act shall be forthwith paid by the committee.

Extraordinary powers of Deputy Commissioner in case of emergency.

(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 as much thereof as is, from time to time, possible, from the balance, in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner of the division every case in which he uses the powers conferred on him by this section.

127. (1) If at any time it appears to the Local Government that a committee has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order

Powers of Local Government in case of default of committee.

order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as the Local Government may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Local Government, 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 the balance, in priority to any or all other charges against the same.

Power of
Local Gov-
ernment to
supersede
committee
in case of in-
competency,
persist-
ent default
or abuse of
powers.

128. (1) If at any time it appears to the Local Government that 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 for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare the committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

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

(a) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(b) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons

(Chapter VII.—Control.—Section 129.)

sons as the Local Government appoints in that behalf;

- (c) all property vested in the committee shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under sub-section (2), clause (a), shall not be deemed disqualified for being members.

129. (1) The Local Government may frame forms for any proceedings of a committee for which it considers that forms should be provided, and may make rules consistent with this Act—

Power of Local Government to frame forms and make rules.

- (a) for the assessment and collection of taxes imposed under this Act, and for preventing evasion of the same ;
- (b) as to the authority on which money may be paid from the municipal fund ;
- (c) as to the conditions on which property vested in the committee or placed under its management by the Local Government may be transferred by sale, mortgage, charge, lease, exchange or otherwise ;
- (d) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill ;
- (e) as to the intermediate office or offices, if any, through which correspondence between committees and the Local Government or its officers, and representations addressed under this Act to the Local Government, are to pass ;
- (f) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;

(g) as

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VIII.—Supplemental.—Section 131.)

- (g) as to the accounts to be kept by committees, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
 - (h) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;
 - (i) as to the sanction (if any) to be required before committees incur any expenditure;
 - (j) as to the language in which the proceedings and correspondence of the committee are to be conducted and recorded;
 - (k) as to the returns, statements and reports to be submitted by committees; and,
 - (l) generally, for the guidance of committees and public officers in all matters connected with carrying out the purposes of this Act.
- (2) In making rules under sub-section (1), clause (a), the Local Government may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

General
powers of
Local Gov-
ernment and
Commis-
sioners.

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

CHAPTER VIII.

SUPPLEMENTAL.

Notices.

Authentica-

131. (1) Every notice issued by a committee under this

(Chapter VIII.—Supplemental.—Section 132.)

this Act or any rule thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president, vice-president or secretary, and may be served by being delivered to the person to whom it is addressed, or by being 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 usual place of abode or business.

tion, service
and validity
of notices.

(2) If the usual place of abode or 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 usual place of abode or 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 usual 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 any rule thereunder shall be invalid for defect of form.

132. 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—

Mode of
giving notice
to owner or
occupier of
property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom the notice 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

of the property (naming it) in respect of which the notice is given, without further name or description.

Publication
of public
notices.

133. Every public notice given by a committee under this Act or any rule thereunder shall be published by proclamation or in the prescribed manner.

Alteration of Limits of Municipality.

Notification
of intention
to alter limits
of municipi-
pality.

134. The Local Government may, by notification published in the official Gazette and in the prescribed manner within the local area affected, declare its intention—

- (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 situate in the vicinity thereof 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 sanction of the Governor General in Council.

Alteration of
limits of
municipality.

135. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under the last foregoing section may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within three months from the date of the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When three months from such date 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 a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

136. (1) When

136. (1) When a local area is excluded under the last foregoing section from a municipality,—

Effect of exclusion of local area from municipality.

(a) this Act, and all rules, orders, bye-laws, 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 publication of the scheme in the local official Gazette, 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 health, comfort, convenience or interest of the inhabitants of the local area.

137. When a local area is included under section 135 in a municipality, this Act, and all rules, orders, bye-laws, 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.

Effect of including local area in municipality.

Miscellaneous.

138. (1) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the committee,

Penalty on member, officer or servant of committee

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(Chapter VIII.—Supplemental.—Sections 139-142.)

being inter-
ested in
contract
made with
committee.

committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

XLV of
1860.

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

Initiation of
prosecutions.

139. A Court shall not take cognizance of an offence punishable only under this Act or a rule thereunder except on the complaint of the Deputy Commissioner or of the committee or of some person authorized either generally or specially by the Deputy Commissioner or the committee in this behalf.

Acquisition
of land under
Act X of
1870.

140. Where any building or 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 the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee. X of 1870.

Procedure
for making
rules.

141. The power to make rules under section 7, section 84 or section 129 is subject to the condition of the rules being made after previous publication.

Power to
make rules
regulating
conservancy
of reservoir
and catch-
ment area.

142. (1) When the supply of water in a municipality is derived from a reservoir situate beyond the limits of the municipality, the Local Government may make rules—

(a) prohibiting the doing in the reservoir, or in or upon the catchment area thereof, any act by which the purity of the water or the safety of the reservoir may be impaired; and

(b) regulating generally the conservancy of the reservoir and the catchment area.

(2) The

(2) The Local Government may direct that the breach of any rule under sub-section (1) shall be punished with fine which may extend to two hundred rupees.

XI of 1879. 143. Nothing in this Act shall affect the Local Authorities Loan Act, 1879.

Saving of Act XI of 1879.

X of 1882. 144. 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; and a Judge or Magistrate shall not be deemed to be a party to or to be personally interested within the meaning of section 555 of the Code of Criminal Procedure, 1882, in any prosecution for an offence punishable under this Act, or any rule thereunder, merely because he is a member of the committee by the order or with the approval of which the prosecution has been instituted.

Member of committee to be municipal commissioner.

145. (1) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, 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.

Power to except municipality from 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.

146. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, withdraw any municipality from the operation of this Act.

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

(2) When a notification is issued under sub-section (1) in respect of any municipality, this Act, and all rules, bye-laws, orders, directions and powers made, issued

issued or conferred under this Act, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the 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 health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

Vacancies
and irregu-
larities not
to invalidate
proceedings.

147. Anything done or any proceedings 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.
