

THE PUNJAB MUNICIPAL ACT 1891.

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SCHEDULE.

ACT No. XX OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October, 1891.)

An Act to make better provision for the administration of Municipalities in the Punjab.

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

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Punjab Municipal Act, 1891.

Title, extent
and com-
mencement.

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

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

XIII of
1884.

2. (1) The Punjab Municipal Act, 1884, is hereby repealed:

Repeal.

V of 1873.

(2) But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said Act, or under the Punjab Municipal Act, 1873, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.

Saving
clause.

3. In

(Chapter I.—Preliminary.—Section 3.)

Definitions.

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

(1) “municipality” means any 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) “inhabitant” includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality or in any local area which the Local Government has by notification under this Act proposed to declare to be a municipality:

(4) “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:

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

(6) “explosive” and “petroleum” have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1886, respectively: IV of 188-
XII of 18

(7) “notification” means a notification published under this Act in the official Gazette:

(8) “notified” means published as aforesaid:

(9) “rules” and “rule” mean respectively the rules made or to be made and notified by the Local Government under the authority of this Act, and any one of such rules: and

(10) “bye-laws” and “bye-law” mean respectively the regulations made or to be made by the committee

(Chapter I.—Preliminary.—Section 4.)

committee at a special meeting under the authority of this Act, and any one of such regulations.

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

Procedure for
constituting
municipality.

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

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

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

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

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it, the Local Government may, by notification, declare the local area to be,

for

for the purposes of this Act, a municipality of the first or second class.

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

CHAPTER II.

COMMITTEES.

Constitution of Committees.

Appointment
or election of
members.

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

(2) Every such committee shall consist of members appointed by the Local Government either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act or partly of the one and partly of the other as the Local Government may by notification direct :

Provided that—

(a) if the Local Government has directed that the elected members shall constitute the whole or any proportion of the committee, it shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Local Government may deem to affect the public interests, and

(b) unless the Governor General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole committee.

(3) When, under a direction issued under sub-section (2), any places on a committee are required to be filled

(Chapter II.—Committees.—Sections 6-9.)

filled by election, and a sufficient number of members has not been elected, the Local Government may fill those places by appointment.

6. (1) If a member of committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Local Government shall otherwise direct.

Term of office of members.

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

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

7. The Local Government may at any time, for any reason which it may deem to affect the public interests, by notification direct that a seat on any committee which is then filled by election shall thenceforth when vacant be filled by appointment, and it may also for a like reason and in the like manner direct that the seat of any elected member shall be vacated upon a date appointed in the notification ;

Special provision with respect to term of office of appointed members.

and in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

8. The Local Government may at any time by notification direct that a seat on any committee then filled by appointment shall thenceforth when vacant be filled by election ;

Special provision with respect to term of office of elected members.

and it may also direct that the seat of any appointed member shall be vacated upon a date appointed in the notification ;

and in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

9. The Local Government may at any time fix the number of members to compose a committee

Special power to Local Government to

below

(Chapter II.—Committees.—Sections 10-11.)

fix term of
office of
certain
members.

below the number of members then composing the committee, and it may also by notification direct, so far as may be necessary to reduce the number of members to the number so fixed, that the seat of any specified member or members shall be vacated upon a date appointed in the notification;

and, if such direction be given, the said seat or seats shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

Resignation
of member
of committee.

10. (1) Any member of committee who may wish to resign may forward his written resignation, through the president of the committee, to the Deputy Commissioner within whose jurisdiction the municipality lies.

(2) When the acceptance of the resignation by the Local Government has been communicated to the committee, the member shall be deemed to have vacated his seat.

Powers of the
Local Gov-
ernment as to
removal of
members.

11. (1) The Local Government may by notification remove any member of committee—

- (a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service;
- (c) if he has absented himself for more than three consecutive months from the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or

(e) in

(Chapter II.—Committees.—Sections 12-14.)

(e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

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

12. (1) Whenever a vacancy occurs by the death, resignation or removal of any elected member, a new member shall be elected in accordance with the rules made under this Act to fill the place :

Filling of casual vacancies.

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

(2) Upon the death, resignation or removal of any appointed member, the Local Government may, if it shall think fit, appoint a new member to fill the place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

13. Every committee shall be a body corporate by the name of the municipal committee of its municipality; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

Incorporation of committee.

14. Every member of committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

Member of committee to be municipal commissioner.

President

President and Vice-President.

Election or
appointment
of president
and vice-pre-
sident.

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

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this sub-section ; and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the Local Government or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when two vice-presidents are elected on the same date shall declare which of them shall be deemed to be the senior.

(3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

(4) If any president is elected or appointed by office, or if any vice-president is elected by office, then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 16, sub-section (1), for retention of office by a president or vice-president.

16. (1) Every

(Chapter II.—Committees.—Sections 16-19.)

16. (1) Every president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and every vice-president shall hold office for such term as the committee may, by bye-law, fix.

Term of office of president and vice-president.

(2) Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the Local Government in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

17. (1) Upon the occurrence of any vacancy in the office of president or vice-president a new president or vice-president shall be elected or appointed in manner provided by section 15.

Casual vacancies in office of president or vice-president.

(2) The person so elected or appointed to fill a casual vacancy shall hold office for the time for which it was tenable by the person in whose place he has been elected or appointed, and no longer, but he may, if otherwise qualified, be re-elected or re-appointed.

Notification of Elections and Appointments.

18. Every election and appointment of a member or president of a committee shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the Division, and no such election or appointment shall take effect until it has been so notified.

Notification of elections, appointments and vacancies.

Conduct of Business.

19. (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

Time for holding meetings.

(2) The

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(Chapter II.—Committees.—Sections 20-23.)

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

Ordinary and
special
meetings.

20. (1) Every meeting of committee shall be either ordinary or special.

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

Quorum.

21. (1) The quorum necessary for the transaction of business at a special meeting of committee shall be one-half of the committee, but shall not be less than three.

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

Provided that, if at any ordinary or special meeting of committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think 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 be a quorum present thereat or not.

Chairman
of meeting.

22. At every meeting of committee the president, if present, or, in his absence or during the vacancy of his office, the senior vice-president present, and if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman.

Vote of
majority
decisive.

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

24. (1) Minutes

(Chapter II.—Committees.—Sections 24-25.)

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

Record and publication of proceedings.

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

25. (1) Every committee may, from time to time, make bye-laws consistent with this Act and with the rules as to—

Bye-laws.

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;

(i) the

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(Chapter II.—Committees.—Sections 26-27.)

(i) the term for which a vice-president shall hold office ; and

(j) all other similar matters.

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Local Government.

(3) Every bye-law made under this section shall be published in such manner as the Local Government may direct.

Extraordi-
nary powers
of president
and vice-
president in
case of
emergency.

26. In cases of emergency the president or, in his absence or during the vacancy of his office, a vice-president may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the committee ; and

(b) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

Joint com-
mittees.

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

Defects

(Chapter II.—Committees.—Sections 28-32.)

Defects in Constitution and Irregularities.

28. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

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

Appointment of secretary.

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

30. Subject to the provisions of this Act and the rules, 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 may think fit, and may remove or dismiss any officer or servant so appointed.

Employment of other officers and servants.

III of 1884. 31. A Government official who has been continuously employed by a committee from the commencement of the Punjab Municipal Act, 1884, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from that employment without the sanction of the Local Government.

Dismissal of Government officials.

32. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ

Power to prevent extravagance in establishments.

(Chapter II.—Committees.—Sections 33-34.)

employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

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 serv-
ing com-
mittees.

33. In the case of an officer or servant being 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 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 such contribution on account of his pension or gratuity and leave-allowances as the Government may determine.

Pensions of
others.

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

(1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is 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 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 the Government.

Contracts.

Contracts.

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

Authority to contract.

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

36. (1) Every contract made by or on behalf of the committee of any municipality of the first class whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary :

Mode of executing contracts and transfers of property.

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

(2) Every transfer of immoveable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of committee, whose execution thereof shall be attested by the secretary.

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

37. (1) If any member, officer or servant of a committee or of a joint committee is, without the permission in writing of the Commissioner, directly or indirectly

Penalty on member, officer or servant being interested in

(Chapter II.—Committees.—Sections 38-39.)

contract
made with a
committee.

indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

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(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contract.

Privileges and Liabilities.

Suits against
committee
and its offi-
cers.

38. No suit shall be instituted against a committee, or against any officer or servant of a committee in respect of any act purporting to be done in its or his official capacity, until the expiration of one month 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 servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877

Liability of
members of
committees.

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

Acquisition

(Chapter II.—Committees.—Sections 40-41. Chapter III.—Taxation.—Section 42.)

Acquisition of Land.

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

Acquisition of land.

Delegation of Powers.

41. (1) The powers and functions of the Local Government under section 5, sub-section (3), section 10, section 12 and section 25, sub-section (2), may be delegated by the Local Government to the Commissioner of the Division.

Delegation of certain powers and functions of Local Government.

(2) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the Local Government, and the delegation shall continue until revoked by the Local Government.

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

CHAPTER III.

TAXATION.

General Provisions.

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

Taxes which may be imposed.

(Chapter III.—Taxation.—Section 42.)

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

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

(a) a tax on buildings and lands—

(i) not exceeding in any municipality specified in the schedule, 10 per cent., and elsewhere $7\frac{1}{2}$ per cent., on the annual value; or

(ii) not exceeding in any municipality specified in the schedule, one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in any municipality specified in the schedule, four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazars;

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

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

(d) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause;

(e) a tax on menial and domestic servants;

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

(B) with the previous sanction of the Local Government

(Chapter III.—Taxation.—Section 43.)

Government and of the Governor General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the municipality.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished :

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

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

43. When a committee has, in exercise of the powers conferred by this Act, undertaken the house-scavenging of any house or building, it may charge the occupier of such house or building, in respect of the house-scavenging done for him, with a tax, imposed in manner directed by this Act, at such rate as it may think fit.

House-
scavenging-
tax.

44. (1) Besides

(Chapter III.—Taxation.—Sections 44-45.)

Water-tax.

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

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

45. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 42, section 43 or section 44.

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

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

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

(5) The

(Chapter III.—Taxation.—Section 45.)

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

(6) When any such proposal which requires the further sanction of the Governor General in Council has been sanctioned by the Local Government, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposal, or refuse to sanction it, or return it to the Local Government for further consideration.

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

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

Provided that—

- (a) no tax shall come into force until its imposition has been notified :
- (b) no tax shall come into force in less than three months from the date of the meeting at which its imposition is directed :
- (c) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year ; and, if it comes into force on any day other than the first day of January, shall be leviable by the quarter till the first day of January then next ensuing.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

(Chapter III.—Taxation.—Sections 46-49.)

Power to
abolish or
reduce tax.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to
exempt from
taxation.

47. (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

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

Power for
Local Gov-
ernment to
suspend levy
of tax.

48. (1) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

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

Taxes not
invalid for
defect of
form.

49. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property,

or

(Chapter III.—Taxation.—Sections 50-52.)

or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct. Taxes when payable.

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

52. (1) An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Local Government in this behalf: Appeals against taxation.

Provided that, when the Deputy Commissioner or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner of the Division.

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

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in XIV of 1882. Chapter XLVI of the Code of Civil Procedure.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

Limitation of
appeal.

53. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 59 (2) or section 61 or after the date of any final order under section 60, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

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

(2) No appeal shall be entertained unless the appellant has paid all municipal taxes due from him to the committee up to the date of such appeal.

Taxation not
to be ques-
tioned except
under this
Act.

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

Duty of
furnishing
true inform-
ation re-
garding
liability to
municipal
taxation.

55. (1) The committee may, by written communication, call upon any inhabitant of the municipality to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any municipal tax.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes

(Chapter III.—Taxation.—Sections 56-58.)

Taxes on Immoveable Property.

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

Preparation
of assess-
ment-list.

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

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

57. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication
of notice of
assessments.

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

Public notice
of time fixed
for revising
assessment-
list.

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

59. (1) After

(Chapter III.—Taxation.—Sections 59-60.)

Settlement of
list.

59. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of January.

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

Further
amendments
of assess-
ment-list.

60. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity

(Chapter III.—Taxation.—Sections 61-62.)

opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

61. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

62. (1) When any property assessed to a tax under section 42, sub-section (1), division A, clause (a), or under section 44 which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment, as the case may be :

Remission of tax on unoccupied immoveable property.

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For

o 2

(Chapter III.—Taxation.—Sections 63-64.)

(4) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Taxes on
immoveable
property by
whom
payable.

63. (1) A tax payable under section 42, sub-section (1), division (A), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of
taxes payable
by owner.

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

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

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

Provided

(Chapter III.—Taxation.—Sections 65-68.)

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

Octroi and Tolls.

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

Power to examine article liable to octroi.

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

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

Power to search where octroi is leviable.

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

Presentation of bill for octroi.

68. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the

Recovery of octroi and tolls.

toll

(Chapter III.—Taxation.—Sections 69-70.)

toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

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

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

Power to
lease the
collection of
octroi or
tolls.

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

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

Penalty for
evasion of
payment of
octroi.

70. If goods passing the octroi-boundary of a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the committee or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary

(Chapter IV.—Municipal Fund and Property.—
Sections 71-72.)

boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

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

- (a) all sums received by, or on behalf of, the committee under this Act or otherwise;
- (b) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules or under section 34 of Act V of 1861 or under the Prevention of Cruelty to Animals Act, 1890; and
- (c) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

XI of 1890.

72. (1) The committee shall set apart and apply out of the municipal fund,— Application of fund.

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 33 and 34, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(c) *thirdly*,

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

(c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the committee in return for services rendered to it.

(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 municipality, and with the sanction of the Commissioner outside the municipality, namely :—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;
- (b) the watering and lighting of such streets or any of them ;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses,

(Chapter IV.—Municipal Fund and Property.—
Sections 73-74.)

poor-houses, leper-asylums and other educational or charitable institutions ;

- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity ;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (h) the planting and preservation of trees ;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure ;
- (j) the holding of fairs and industrial exhibitions ; and
- (k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

73. With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee, not being a salaried officer of Government, out of the municipal fund.

Payment of salary to president out of fund.

74. (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 such treasury, sub-treasury or bank.

Custody of municipal fund.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody

(Chapter IV.—Municipal Fund and Property.—
Sections 75-76.)

custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

Investment
of same.

75. (1) A committee may, from time to time, with the previous sanction of the Commissioner, 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 a like nature.

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

Property
vested in
committee.

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

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund ;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well ;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside

(Chapter IV.—Municipal Fund and Property.—
Sections 77-78.)

alongside or under any street, and all works, materials and things appertaining thereto ;

- (d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 97 ;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;
- (f) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes ;
- (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

77. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee :

Management
of public
institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

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

78. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 76 or section 77, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to
Crown of
property
vesting in
committee.

CHAPTER V.

CHAPTER V.

MUNICIPAL POLICE.

Police estab-
lishment.

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

(2) The establishment maintained under subsection (1) shall consist either of a body of watchmen or of part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine; and shall consist of such number of officers and men, who shall respectively 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.

Relief of
committee
from police-
charges.

80. (1) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with 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 has been relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police-force under the Local Government within the meaning

(Chapter V.—Municipal Police.—Sections 81-83.)

meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

81. (1) If the establishment maintained under this Chapter consist wholly or in part of watchmen, they—

Appoint-
ment, liabili-
ties and
duties of
municipal
watchmen.

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

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

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

Duties of
municipal
police en-
rolled under
Act V of
1861.

83. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws, and shall be bound to

Powers and
duties of
police in
respect of
offences
against Act

assist

(Chapter V.—Municipal Police.—Section 84. Chapter VI.—Powers for Sanitary and other Purposes.—Section 85.)

and rules,
and assist-
ance to
municipal
authorities.

assist all members, officers and servants of the committee in the exercise of their lawful authority.

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

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

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained :

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under the order of a Magistrate for his detention.

Police-pro-
tection at
fairs, &c.

84. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of such charge as the Local Government may consider equitably payable by it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to
acquire land
for building-
sites adjoin-
ing new
streets.

85. 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 both sides of the street.

86. The

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 86-90.)

86. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as may not be required for the purposes of this Act.

Power to close streets.

87. 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 permit temporary occupation of streets, &c.

88. 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.

Power to attach brackets for lamps.

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

Names of streets and numbers of buildings.

(2) Whoever shall destroy, pull down or deface any such name or number, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee 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 without the permission of the committee in writing; and the committee may, by written notice,

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

require

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 91-92.)

require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to
regulate line
of buildings.]

91. (1) Should any building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such 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:

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 may think fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new
buildings.

92. (1) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the committee, and the committee may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which the committee may deem fit to issue 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 and for the prevention of fire;
- (c) ventilation,

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 92.)

- (c) ventilation, and the provision and position of drains, privies or cesspools ;
- (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 ;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions :

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

(2) Any person giving notice to the committee under sub-section (1) shall, if required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the committee may within fifteen days from the receipt of any notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the committee may prescribe in its requisition ; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of

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

of any legal order of the committee issued within six weeks of receipt of a valid notice under sub-section (1), the committee may, by notice to be delivered within a reasonable time, require the building to be altered or demolished, as it may deem necessary.

(5) Should the committee neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(6) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by a committee shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and, should the building so sanctioned not have been begun by the person who has obtained such sanction or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

Power of committee to make bye-laws as to mode of construction of buildings.

93. (1) The committee may by bye-laws regulate in respect of the erection or re-erection of any building within the municipality—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 94.)

- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

94. The expression "erect or re-erect any building" includes—

Definition of expression
"erect or re-erect any building."

- (a) any material alteration or enlargement of any building,
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,

(e) such

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 95-96.)

(e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security, and

(f) the addition of any rooms, buildings, out-houses or other structures to any building.

Removal of
projections
and obstruc-
tions.

95. (1) It shall not be lawful, without the written permission of the committee, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid :

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The committee may by resolution give permission to the owners or occupiers of buildings in any particular street 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 resolution.

Bathing and Washing Places.

Bathing and
washing
places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 97-99.)

persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

97. The committee may fix places within or, with the approval of the District Magistrate, 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.

Removal and deposit of offensive matter.

98. (1) The committee may, with the approval of the District Magistrate, fix premises 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 premises, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals for sale.

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

(4) Should any one slaughter for sale any such animal at any other place within the municipality, he shall be punishable with fine which may extend to twenty rupees.

99. (1) The committee may by bye-law fix premises within the municipality in which the slaughter of animals of any particular kind not for sale shall

Places for slaughter of animals not for sale.

be

(Chapter VI.—Powers for Sanitary and other Purposes—Sections. 100-101.)

be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose;

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Special provision with respect to disposal of dead bodies of animals.

100. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(a) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fail so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the committee may charge such fee as the committee, with the sanction of the Commissioner, may, by bye-law, have prescribed.

(4) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, and other large animals.

Burial and Burning Places.

Powers in respect of burial and burning places.

101. (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

(Chapter VI.—Powers for Sanitary and other Purposes,—Sections 102-104.)

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.

(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.

(4) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning-ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

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

Removal of corpses.

Inflammable Materials.

103. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, 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.

Inflammable materials.

104. In any municipality to which section 93 has been specially extended by the Local Government, the committee may by bye-law prohibit the lighting of fires

Prohibitions for prevention of fire.

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 105-106.)

fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the committee may deem to be dangerous to the public safety.

Prohibition
of excessive
storage of
petroleum.

105. The committee may by bye-law prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 135.

Powers of Entry and Inspection.

Inspection
of drains,
privies and
cesspools.

106. (1) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorized by the committee to make the entry.

107. (1) The

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

107. (1) The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there be 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.

Power to enter and inspect buildings.

(2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

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

Other powers of entry on buildings or land.

(a) enter on and survey and take levels of any land;

(b) enter, inspect and measure any building for the purpose of valuation;

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

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

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

110. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into

Power to inspect places for sale of food

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 111-112.)

or drink, &c.,
and to seize
unwholesome
articles ex-
posed for
sale.

into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, 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 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;

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

House-scavenging.

Definition
of house-
scavenging.

111. The removal of filth, rubbish, ordure or other offensive matter from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

Undertaking
by committee
of house-
scavenging
generally.

112. (1) Subject to the provisions hereinafter contained with respect to the customary rights of sweepers, the committee may at any time undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

(2) The committee may, by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.

(3) The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.

(4) The

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 113-116.)

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

113. Notwithstanding anything in the last foregoing section, the committee shall not, except in accordance with the provisions of this Chapter,—

Savings in favour of customary sweepers and of agriculturists.

(a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging ;

(b) without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

114. When once the committee has undertaken the house-scavenging of any house or building under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

Continuance of house-scavenging once undertaken by committee.

115. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 112, sub-section (4).

Obligation of committee to perform house-scavenging properly.

116. The servants of the committee employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

Powers of municipal servants for house-scavenging purposes.

117. All

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 117-120.)

Vesting in
committee of
collections
from house-
scavenging.

117. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the committee.

Punishment
of customary
sweepers for
negligence.

118. (1) Should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.

(2) The Magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

Punishment
of agricul-
turists for
negligence.

119. (1) Should an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith fail to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(2) The Magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

Search for inflammable or explosive material in excess of authorized quantity.

Search for
inflammable

120. (1) The committee may at any reasonable time,

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 121-122.)

time, by any person authorized by it in writing in this behalf, enter upon and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

or explosive material in excess of authorized quantity.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, privies and drains.

121. The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

122. (1) The committee may, by notice, require the owner of any building or land to remove or provide any drain, privy, cesspool or other receptacle for filth, or provide any additional drains, privies, cesspools or other

Provision of drains, privies, &c.

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 123.)

other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner as the committee may direct, or to make to the reasonable satisfaction of the committee and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid :

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass does not belong to him, and he can prove that the default is caused by the act of the owner or occupier of such last-mentioned land.

(2) The committee may, by notice, require any person 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 may direct, any door or trapdoor of a privy opening on to any street or drain.

Repair and
closing of
drains,
privies and
cesspools.

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

(2) The committee may, by notice, require any person who may construct any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who may construct, rebuild or open any drain, privy or cesspool which it has ordered to be demolished

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 124-127.)

demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it may think fit.

124. The committee may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it may think fit.

Unauthorized buildings over drains, &c.

125. 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 from the service of such notice.

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

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood :

Power to require removal of nuisance arising from tanks and the like.

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Dangerous Buildings and Places.

127. Should any building, or any well, tank, reservoir, pool, depression or excavation be, 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, should it appear to it to be necessary in order to prevent imminent danger, it shall

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

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 128-132.)

shall forthwith take such steps to avert the danger as may be necessary.

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

128. Should any building, wall or structure or anything affixed thereto, or any bank or tree, be 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, structure or bank as the committee may consider necessary for the public safety; and, should it appear to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps to avert the danger as may be necessary.

Buildings and Grounds in Unsanitary Condition.

Power to
require owner
to clear away
noxious
vegetation.

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

Power to
require
hedges and
trees to be
trimmed.

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

Cleansing of
filthy build-
ings or
land.

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

Power to
prohibit use
for human
habitation of

132. Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means
of

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 133-134.)

of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the committee.

buildings
unfit for
such use.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to re-
quire unten-
anted build-
ings becom-
ing a nui-
sance to be
secured or
enclosed.

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

Cultivation,
use of man-
ure or irriga-
tion, injuri-
ous to health,
after prohibi-
tion.

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive

Q

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 135.)

Offensive and Dangerous Trades.

Regulation
of offensive
and danger-
ous trades.

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

melting tallow;

boiling bones, offal or blood;

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

as a brickkiln, pottery or limekiln;

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

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

as a store-house for any explosive, or for petroleum or any inflammable oil or spirit,

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

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

(3) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees according to a scale to be approved by the Commissioner for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration and without a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 136-137.)

the offence is continued after he has been convicted of such offence.

(6) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

136. (1) Whenever it is shown to the satisfaction of the committee that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

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

Regulation of manufacture, preparation and sale of food and drink.

137. (1) The committee may, by bye-law—

(a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;

(b) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;

(c) regulate the hours and manner of transport within

Power for committee to regulate manufacture, preparation and sale of food and drink.

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 138-139.)

within the municipality of any specified articles of food or drink;

- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this sub-section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for sale, or such sale in such premises.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Dangerous Animals.

Destruction
of mad dogs.

138. (1) A committee, by any person authorized by it in this behalf, may destroy or cause to be destroyed, or confine or cause to be confined for such period as the committee may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

Restraint of Infection.

Information
to be given
of cholera or
small-pox.

139. Whoever—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of cholera or small-pox in any dwelling other than a public hospital, or, in default of such medical

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 140.)

medical practitioner or person practising the medical profession,

- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of cholera or small-pox therein, or, in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information or gives false information to the committee, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

140. When any person suffering from cholera or small-pox is—

- (a) without proper lodging or accommodation, or
- (b) living in a sarai or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for, or
- (d) lodged in premises occupied by members of two or more families, and any of such occupiers objects to his continuing to lodge in such premises,

Removal to hospital of cholera and small-pox patients.

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

141. Should

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 141-143.)

Prohibition
by commit-
tee of use of
unwholesome
water.

141. Should the committee consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

Application
of the two
last forego-
ing sections.

142. Neither of the last two foregoing sections shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Power to make Bye-laws.

Power to
make bye-
laws.

143. (1) Any committee may, by bye-law—

- (a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;
- (b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;
- (c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;
- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family; and provide—
 - (i) for the registration and inspection of such buildings;
 - (ii) for

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 143.)

- (ii) for promoting cleanliness and ventilation in such buildings;
 - (iii) for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and
 - (iv) generally for the proper regulation of such buildings;
- (e) provide—
- (i) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets, dhobis' ghâts, flour-mills and slaughter-houses;
 - (ii) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;
 - (iii) for controlling and regulating the use and management of burial and burning grounds;
 - (iv) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;
- (f) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same;
- (g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;
- (h) require

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 143.)

(h) require and regulate—

- (i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;
- (ii) the appointment by owners of buildings or lands in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder;
- (j) regulate the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;
- (k) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control and regulate the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act; and
- (l) generally provide for carrying out the purposes of this Act:

Provided that no bye-law made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall apply to any vehicle to which that Act applies. XIV.

(2) Bye-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(3) When a cantonment authority, with the sanction

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 144.)

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

144. The committee of a municipality wholly or in part situated in a hilly tract may further make bye-laws—

Additional power to make bye-laws in hill municipalities.

- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;
- (b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;
- (c) for rendering licenses necessary for using premises within bazars as stables or cow-houses;

(d) for

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 145-146.)

(d) for rendering licenses necessary within the municipality—

- (i) for persons working as job porters for the conveyance of goods,
- (ii) for animals or carriages let out on hire for a day or part thereof, and
- (iii) for persons impelling or carrying such carriages;

(e) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and

(f) for regulating the charges to be made for the services of such job porters as aforesaid, and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

Penalty for
infringement
of bye-law.

145. (1) In making any bye-law under any section of this Chapter, the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation
of bye-law.

146. (1) No bye-law made under any section of this Chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Supplemental.

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 147-148.)

Supplemental.

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

Execution of acts required to be done by any notice.

(2) Whenever it is provided by this Act that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

148. (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner :

(4) Provided

(Chapter VI.—Powers for Sanitary and other Purposes.—Section 149.)

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing unless he has refused 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 due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) 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 the property shall, until it is paid, be a charge on the property.

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

Compensation out of municipal fund.

149. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute arise 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, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable. X of 1:

150. (1) Any

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 150-151.)

150. (1) Any person aggrieved—

- (a) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or
- (b) by a notice from a committee under sub-section (4) of section 92 or sub-section (2) of section 93, requiring the alteration or demolition of a building, or
- (c) by any order made by a committee under the powers conferred upon it by section 101, 132 or 136,

Appeals
from orders
of committee.

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the Local Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality; and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if, in the latter case, the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final:

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

151. Every order of forfeiture under section 118 and every order under section 119 or section 120 shall be subject to appeal to the next superior Court, but shall not be otherwise open to appeal or revision.

Appeals
from certain
orders.

CHAPTER VII.

(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 152-156.)

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

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

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

Discharging sewage.

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

Failure to remove offensive matter.

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

Making or altering drains without authority.

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

Penalty for making or keeping

156. Whoever, without the permission of the committee, makes or keeps for a longer time than one week

(Chapter VII.—Offences affecting the Public Health,
Safety or Convenience.—Sections 157-161.)

week after notice under section 125 any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

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

157. 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 animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping
animals so
as to be
injurious to
health.

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

Feeding
animals on
deleterious
substances.

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

Driving
vehicles
without
proper
lights.

160. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Discharging
fire-arms, &c.

161. Whoever, being in charge of any elephant, camel or bear, omits on being requested to do so to
remove

Control of
elephants
or camels.

(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 162-166.)

remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking
elephants
along public
roads.

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

Suffering
dogs to be at
large.

163. 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 shall be punishable with fine which may extend to twenty rupees.

Altering, ob-
structing or
encroaching
upon streets.

164. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street, 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 deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

Quarrying,
blasting, cut-
ting timber
or building.

165. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing
animals and
collecting
carts.

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

167. Whoever

(Chapter VII.—Offences affecting the Public Health,
Safety or Convenience.—Sections 167-171.)

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

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

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

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

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

Penalty for disobedience of orders of committee under last Chapter.

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.

170. When any order of the kind specified in section 101, section 136 and section 169 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Prosecution to be suspended in certain cases.

171. Should the flesh of any cattle, sheep, goat or swine be brought within municipal limits in contravention

Disposal of certain imports seized

(Chapter VIII.—*Extinction and Prevention of Fire.*
—Sections 172-173.)

under any
bye-law made
under section
143.

contravention of any bye-law made under section 143, it may be seized by any officer of the committee authorized in that behalf, and may be destroyed or otherwise disposed of as the committee may direct.

CHAPTER VIII.

EXTINCTION AND PREVENTION OF FIRE.

Establish-
ment and
maintenance
of fire-bri-
gade.

172. For the prevention and extinction of fire the committee may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

Power of
fire-brigade
and other
persons for
suppression
of fires.

173. (1) On the occasion of a fire in a municipality any Magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate, or the secretary or a member of committee) any Police-officer above the rank of constable, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call

(Chapter VIII.—*Extinction and Prevention of Fire.*
—Sections 174-175. Chapter IX.—*Control.*—
Section 176.)

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

174. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

Power for Local Government to make rules under this Chapter.

175. No portion of this Chapter shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Limitation of operation of Chapter.

CHAPTER IX.

CONTROL.

176. (1) The Commissioner of the division or the Deputy Commissioner of the district may—

Control by Commissioner and Deputy Commissioner.

(a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively occupied by any committee or joint committee, or any work in progress within those limits under its directions;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee

(Chapter IX.—Control.—Sections 177-178.)

committee having authority within the said limits;

- (c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and
- (d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

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

Power to
suspend
action of
committee.

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

Extraordi-
nary powers
of Deputy
Commissioner
in case of
emergency.

178. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal

(Chapter IX.—Control.—Sections 179-181.)

municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

179. (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.

Power to provide for performance of duties in case of default of committee.

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

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

180. When the Deputy Commissioner makes any order under section 177, section 178 or section 179, he shall forthwith forward to the Local Government through the Commissioner, and, when the Commissioner makes any order under section 177 or section 179, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Action of Deputy Commissioner or Commissioner to be immediately reported.

181. (1) The Local Government, and the Commissioners and Deputy Commissioners acting under the orders of the Local Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force

Powers of Local Government and its officers over committees.

under

under any enactment for the time being applicable to the Punjab generally or to the areas over which the committees have authority.

(2) The Local Government may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid.

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

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

182. (1) Should a committee be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

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

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

(a) all members of the committee shall, from the date of the notification, vacate their seats:

(b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government may appoint in that behalf:

(c) all property vested in the committee shall, until

until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

183. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

Disputes.

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

(2) The decision of the authority to which any dispute is referred under this section shall be final.

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

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

Power of Local Government to frame forms and make rules.

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

(d) as

(Chapter IX.—Control.—Section 184.)

- (d) as to the qualifications of electors and of candidates for election ;
- (e) as to the registration of electors ;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes ;
- (g) generally for regulating all elections under this Act ;
- (h) fixing the term of office of members and presidents of committees ;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill ;
- (j) as to the priority to be given to the several duties of the committee ;
- (k) as to the authority on which money may be paid from the municipal fund ;
- (l) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen ;
- (m) as to the formation and working of municipal fire-brigades ;
- (n) as to the procedure to be observed for the punishment or dismissal of servants of the committee ;
- (o) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass ;
- (q) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the

the

(Chapter IX.—Control.—Section 184.)

the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned ;

- (r) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, 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 ;
 - (s) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned ;
 - (t) as to the returns, statements and reports to be submitted by committees ;
 - (u) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 181 ;
 - (v) as to the language in which business shall be transacted, proceedings recorded and notices issued ;
 - (w) as to the publication of notices ; and
 - (x) generally for the guidance of committees and public officers in carrying out the purposes of this Act.
- (2) Rules under clause (g) of sub-section (1) may, among other matters, provide—
- (i) for the investigation of allegations of corrupt practices or intimidation at elections ;
 - (ii) for making void the election of any person proved to the satisfaction of the Local Government or of the Commissioner, as the municipality may be of the first or of the second class, to have been guilty of corruption or intimidation or to have connived at

or

(Chapter IX.—Control.—Section 185. Chapter X.
—Supplemental.—Section 186.)

or abetted the exercise of corruption or intimidation on his behalf by any other person ;

(iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or intimidation or for connivance at or abetment of the same ; and

(iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

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

185. 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 X.

SUPPLEMENTAL.

Prosecutions.

Authority
for prosecu-
tions.

186. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-law except on the complaint of the committee or of some person authorized by the committee in this behalf.

Explanation.—The committee may authorize persons to prosecute either generally in regard to all offences against this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office if he is president, vice-president or secretary of the committee. In other cases the authority must be personal. The authority must

must in all cases be in writing and may at any time be cancelled by the committee.

187. (1) In any municipality of the first class the Local Government may empower the committee, or its president, vice-president or secretary, or any sub-committee thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.

Power to compound offences.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

(5) The Local Government may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

188. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, by reason only that he is a member of the committee by the order, or under the authority, of which it has been instituted.

Member not to be deemed interested in prosecution.

Rules and Bye-laws.

189. (1) The authority empowered to make any rules or bye-laws which require the sanction of the Local

Procedure for making rules.

(Chapter X.—Supplemental.—Sections 190-191.)

Local Government shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

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

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

Rules to be
available for
purchase and
inspection.

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

(2) Copies of all such rules and bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

Notices.

Authentica-
tion, service
and validity
of notices.

191. (1) Every notice issued by a committee under this Act or under any rule or bye-law shall be in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorized by the committee in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served,

(Chapter X.—Supplemental.—Sections 192-193.)

served, may be affixed to some conspicuous part of his place of abode or business.

(2) When the 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 owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

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

192. 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, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

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

Publication of public notices.

Alteration

(Chapter X.—Supplemental.—Sections 194-196.)

Alteration of Boundaries and Class of Municipality.

Notification
of intention
to alter
limits of
municipa-
lity.

194. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, 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 in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council.

Alteration
of limits of
municipa-
lity.

195. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 194 may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take such objection into consideration.

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

Effect of
exclusion of
local area
from muni-
cipality.

196. (1) When any local area has been excluded from a municipality under section 195,—

(a) this Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and

(b) the

(Chapter X.—Supplemental.—Sections 197-199.)

(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 such local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

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

197. When any local area has been included in a municipality under section 195, this Act, and, except as the Local Government may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

Effect of including local area in municipality.

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

Power to change class of municipality.

Powers to except and withdraw Municipalities from provisions of Act.

199. (1) Should the circumstances of any municipality be 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, except the municipality from the operation of those provisions; and thereupon the said provisions

Power to except municipality from provisions of Act unsuited thereto.

(Chapter X.—Supplemental.—Sections 200-201.)

provisions shall not apply to the municipality until applied thereto by notification.

(2) While such exception as aforesaid 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.

Power to
withdraw
municipal
area altoge-
ther from
operation of
this Act.

200. (1) The Local Government may, by notification, withdraw the whole area comprised in any municipality from the operation of this Act.

(2) When a notification is issued under this section in respect of any local area, this Act, and all rules, regulations, bye-laws, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area; and the balance of the municipal fund, and all other property at the time of the issue of the notification 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 safety, health, welfare or convenience of the inhabitants of the said area.

Miscellaneous.

Recovery of
taxes, &c.

201. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person.

202. When

(Chapter X.—Supplemental.—Sections 202-204.)

202. 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.

Precautions to be observed in entering dwellings.

203. (1) In the absence of a written contract to the contrary every sweeper employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Obligation of municipal servants to discharge their duties.

(2) Should any sweeper employed by a committee in the absence of a written contract authorizing him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

204. (1) On the complaint of three or more inhabitants of a municipality that a house in their immediate neighbourhood and within the limits of the municipality is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the

Brothels.

the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Relief to
agents and
trustees.

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

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

(3) When any agent or trustee has claimed and established his right to relief under this section the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Decision of
question as
to whether
persons are
"inhabit-
ants."

206. Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local area within the meaning of

(Chapter X.—Supplemental.—Sections 207-209.
Chapter XI.—Small Towns.—Section 210.)

of this Act, the decision thereon of the Commissioner of the division shall be conclusive.

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

Saving of
Act XI of
1879.

Simla.

208. Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

Simla land-
tax.

209. The house and frontage taxes which have been levied in the municipality of Simla since the year 1885 shall, at the rates charged in the year 1890, be deemed to have been and to be duly imposed under this Act.

Simla house
and frontage
taxes.

CHAPTER XI.

SMALL TOWNS.

210. (1) The Local Government may, by notification, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 72, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality.

Constitution
of notified
areas.

(2) An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.

(3) No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazaar and is not a purely agricultural village.

211. (1) The

Power of
Local Gov-
ernment to
impose taxa-
tion and
regulate ex-
penditure
of proceeds
thereof.

211. (1) The Local Government may—

- (a) impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality;
- (b) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (a), any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act;
- (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a), and for the preparation and maintenance of proper accounts;
- (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c);
- (e) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the Local Government may think fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

Application
of Act to
notified
areas.

212. For the purposes of any section of this Act which may be extended to a notified area the committee appointed for such area under section 211 shall be deemed to be a municipal committee under this Act and the area to be a municipality.

Discontin-
uance of noti-
fied areas.

213. The Local Government may at any time cancel any notification under section 210.

Application
of funds of
areas ceasing
to be notified.

214. When by reason of any order of cancellation under the last foregoing section any notified area ceases

(Schedule.)

ceases to be notified, the unexpended proceeds of any taxes levied therein under section 211 shall be applied for the benefit of the inhabitants of the said area as the Local Government may think fit.

SCHEDULE.

(List of places referred to in section 42.)

SIMLA.

DALHOUSIE.

I HARAMSALA.

MURREE.