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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th September 1872, and was referred to a Select Committee with instructions to report thereon in a fortnight:—

Bill No. 22 of 1872.

THE PANJÁB MUNICIPAL BILL, 1872.

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A Bill to provide for the appointment of Municipal Committees in the Panjáb, and for other purposes.

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

I.—Preliminary.

1. This Act may be called "The Panjáb, Short title. Municipal Act, 1872":—

And it shall come into force on the passing Commencement. thereof.

2. Act No. XV. of 1867 (to make better provision for the appointment of Municipal Committees in the Panjáb and for other purposes) and Act No. II. of 1872 (to revise and continue the operation of Act XV. of 1867) are repealed.

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

3. In this Act—unless there be something Interpretation-clause. repugnant in the subject or context—

"Committee" means a Municipal Committee appointed under the provisions of this Act.

4. The Local Government may, by notification Power to extend this zette, extend this Act to towns. any of its provisions, to any town in the territories under its government.

5. All Municipal Committees appointed before Committees existing before 1867, with the sanction of any Lieutenant Governor or Chief Commissioner of the Panjáb, other than Municipal Committees appointed under Act No. XXVI. of 1850 (to enable improvements to be made in towns), shall be deemed Committees under this Act.

The Local Government may extend, by notification in the local official Gazette, all or any of the provisions of this Act to Municipal Committees appointed under the said Act No. XXVI. of 1850.

So much of any Act, Regulation or Rule having the force of law, as may be inconsistent with any provision so extended to a Committee, shall, from and after the date of such extension, cease to have effect in the case of such Committee.

6. For the purposes of this Act, the Local Government may, from time to time, by notification in the local official *Gazette*, define the limits of any town to which this Act has been extended, and may include within the limits of such town any railway station, village, building or land in its vicinity.

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

7. In any town to which this Act is extended, the Local Government may—

Power to appoint members of Committee.

(a) appoint, either *ex-officio* or otherwise, or direct the appointment by election of any number of persons, not less than five, to be members of a Committee;

(b) appoint some of the members of such Committee and direct the appointment of others by election for carrying out the purposes of this Act;

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

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

(e) appoint the President and Vice-President, or either of them, of any Committee, or sanction the election by any Committee of one of their members as President or Vice-President or either of them.

All appointments under this section shall be notified in the local official *Gazette*.

8. Every Committee may, with the previous sanction of the Local Government, to be notified in the local official *Gazette*, define the persons or property within the town to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Every Committee may impose such taxes accordingly, unless the Governor General in Council forbids such imposition.

9. The Local Government may, from time to time, make rules—

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

and for the collection of such taxes;

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

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

The Local Government may, from time to time, repeal, alter or add to such rules.

No tax shall be collected under this Act, until it has been confirmed by the persons and in manner hereinbefore mentioned.

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

11. Every Committee, so far as the Municipal Fund at their disposal will permit, shall, after providing out of such Fund for a police establishment in manner hereinafter mentioned,

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

and may cause such streets and roads, or any of them to be watered and lighted;

and may construct new streets, drains, tanks, and water-courses;

and may construct and provide for the management of poor-houses, dispensaries, market-places, and other works of general utility;

and generally may do all acts and things necessary for the purposes of conservancy and local improvement,

and may also make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education in the town for which such Committee is appointed.

12. Every Committee may make rules for regulating—

the time and place of their meeting;

the conduct of their business;

the division of duties among the members of the Committee;

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

and other similar matters.

13. It shall be lawful for any Committee to make bye-laws—

for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V. of 1861 (*for the regulation of Police*);

for empowering the officers of the Committee to enter upon private property for the detection and removal of nuisances when necessary;

for the securing of a proper registration of births and deaths;

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

The Committee may, from time to time, repeal, alter or add to such bye-laws.

14. The Local Government may, by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of their proceedings or rules.

15. Every Committee appointed shall set apart out of the Municipal Provision for Police. Fund, such sum as the Local Government requires for the maintenance of the police establishment in the town.

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

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

III.—Suits by and against Committees.

Suits by and against Committees.

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

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

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

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

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

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

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

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

Every such suit shall be commenced within three months next after the accrual of the cause of suit, and not afterwards.

And if any person to whom any such notice of suit is given shall, before suit brought, tender

sufficient amends to the plaintiff, such plaintiff shall not recover.

IV.—Penalties.

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

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

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

20. Whoever infringes any rule made under section twelve, or any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and, in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

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

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

and all fines imposed under this Act may be recovered in manner provided by the Code of Criminal Procedure.

Rates and arrears of rates imposed under this Act may be recovered as if they were fines.

V.—Miscellaneous.

22. All assessments, bye-laws, rules and regulations of any kind relating to matters provided for in this Act, which may, previous to the passing of this Act, have been made by or received the approval of the Local Government, shall be deemed to have been made in accordance with the provisions of this Act.

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

STATEMENT OF OBJECTS AND REASONS.

Act XV. of 1867 (*to make better provision for the appointment of Municipal Committees in the Panjáb and for other purposes*) was enacted for only five years, which expired on the 1st March 1872. Its duration was then extended for one year by Act II. of 1872. The present Bill proposes to make Act XV. permanent, and to effect the following changes in its substance :—

The previous sanction of the Local Government required to the rates levied by Municipal Committees, will be published in the official *Gazette*.

The Government of India is expressly empowered to forbid the imposition of any such rate.

Municipal Committees are empowered to make bye-laws under which their officers may enter

upon private property for the detection and removal of nuisances.

The section giving power to extend the Act to Oudh and the Central Provinces is omitted. The Bill as framed will operate only in the Panjáb. But the Chief Commissioners of Oudh and the Central Provinces will be invited to consider whether it may not usefully be made expressly to apply to the territories respectively under their Administrations.

(Signed) R. E. EGERTON.

SIMLA,

The 29th August 1872.

WHITLEY STOKES,

Secretary to the Government of India.