THE ARUNACHAL PRADESH MUNICIPAL ACT, 2OO7 (ACT No.4 OF 2008)

(Received the assent of the Governor on 17th March, 2008 and published in the Arunachal Pradesh. E.O.

I.As amended by Arunachal Pradesh MUNICIPAL (Amendment) Act 2010.(Act No 15 of 2010) and assented by

the Governor on 8/10/2010) and published in AP EOG Vol II no 150 Vol XVII Dtd 01/11/2010 (wef 5/09/2010).

2.As amended by Arunachal Pradesh Goods and Services Act 2017.(Act No 7 of 2017) and assented by the Governor

on 24/06/2017) and published in AP EOG Vol II no 176 Vol XXIV Dtd 24/06/2017 (See sec 129(1)(f))

AN

ACT

to introduce and consolidate the laws relating to the municipal Government in the State of Arunachal Pradesh in conformity with the provisions of the constitution of India (Seventy-fourth Amendment) Act, 1992,based on the principles of Government at various levels and to introduce reforms in financial management and accounting systems, internal resource generation capacity and organizational design of Municipalities, to professionalization of the municipal personnel and to provide for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Arunachal Pradesh in the Fifty- eighth Year of the Republic of India as follows ;-

PRELIMINARY

CIIAPTER – I

1. (1) This Act may be called the Arunachal Pradesh Municipal Act, 2007. Short title, ex

(2) it shall extend to the whole of the State of Arunachal Pradesh or part defence areas therein.

commencement.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf and different dates may be appointed for different municipal areas.

2. In this Act, unless the context otherwise requires,- Definitions

1) "Adhoc Committee" means an Adhoc Committee appointed under
2) "Auditor" means an Auditor appointed under section 93, and includes any officer authorized by him to perform all or any of the functions of an Auditor under this Act;
3) "Balance sheet" means the balance sheet prepared under section 91;
4) "Bio-medical waste" means waste generated during diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological;
5) "Bridge" includes a culvert;
6) "Budget Estimate'' means the budget estimate prepared under section 84;
7) "Budget Grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Municipality' and includes any sum by which such budget grant is increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the rules and the regulations there under ;
8) "Building" means a structure constructed for whatever purpose and of whatever materials, and includes the foundation' plinth, walls, floors, roofs, chimneys, fixed platforms, verandas balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three meters in height) enclosing or intended to enclose, any land, sign or outdoor display structure but does not include a tent, shamiana or tarpaulin shelter ;
9) "Cadres" of common municipal services" means the cadres of common

municipal services constituted under sub-section (1) of section 43;

10) "Carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a auto-rickshaw, cycle-rickshaw, bicycle or tricycle,

but does not include a perambulator or other form of vehicle designed for the conveyance of children or elderly, infirm or handicapped persons ; 11) "Cart" means any hackney or wheeled vehicle with or without springs, which is not a carriage, and includes a handcart, a cycle van and a push van but does not include any wheeled vehicle which is propelled by mechanical power or its trailer ;

12) "Category 'A' post" means a category 'A' post classified as such under section 37 ;

13) "Category 'B' post" means a category 'B' post classified as such under section 37;

14) "category 'C' post" means a category 'C' post classified as such under section 37;

15) "category 'D' post" means a category 'D' post classified as such under section 37;

16) "Chief Councillor" means,-

i. in relation to a Municipal Corporation, the Mayor, ii. in relation to a Municipal Council, the Municipal Chairperson, and iii. in relation to Nagar Panchayat, the Municipal president;

17) "Chief Municipal Executive Office/' means,-

i. In relation to a Municipal Council in Capital Region and " Municipal Executive Officer'' means,-

ii. in relation to a Municipal Council or Nagar Panchayat, in districts. 18) "City " means a larger urban area declared to be a city under section 3 ; 19) "Class 'A smaller urban area" means a smaller urban area classified as such under section 7 :

20) "Class 'B' smaller urban area" means a smaller urban area classified as such under section 7 ;

21) "Class 'C' smaller urban area" means a smaller urban area classified as such under section 7 ;

22) "Councillor", in relation to a Municipality, means a person chosen by direct election from a ward of that Municipality;

23) "Cubical extent," with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey ;

24) "Dangerous disease" means-

a. Cholera ,plague, small-pox, cerebrospinal meningitis, diphtheria, Tuberculosis, leprosy, influenza, encephalitis, poliomyelitis, or syphilis; or

b. any other epidemic, endemic, infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act ;

25) "Deputy Chief Councillor" means,-

a. in relation to a Municipal Corporation, the Deputy Mayor,

b. in relation to a Municipal Council, the Municipal Vice- Chair Person, and

c. in relation to a Nagar Panchayat, the Municipal Vice President ; 26) "Director of Urban Local Bodies" means an officer appointed as such by the State Government' and includes an Additional Director a Joint Director, a Deputy Director, or any other officer of nodal department of the State Government authorized by it to perform the functions of the Director of Urban Local Bodies under this Act,

27) "Domestic purpose" in relation to the supply of water, means the purpose other than those referred to in sub-section (3) of section 172 ;

28) "Drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water ;

29) "Drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and

Cosmetics Act,23 of 1940;

30) "Dwelling- house" means a masonry building constructed, used, or adapted to be used, wholly or principally for human habitation ;

31) "Empowered Standing Committee" means the Empowered Standing Committee referred to in section21;

32) "Establishment Schedule" means the Establishment Schedule prepared under section 37 ;

33) "Financial statement "means the financial statement prepared under section 90 ;

34) " Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into, or is used in the composition or preparation of, human food, and also includes confectionery flavouring and colouring matters, spices and condiments ;

35) " Footpath" means a pavement for use by pedestrians which abuts a category I or category II or category III or category IV road ;

36) " Habitable room" means a room constructed or adapted for human habitation;

37) "Hazardous process" means the hazardous process defined in Clause (cb) of section 2 of the Factories Act, 1948 ;

38) "Hazardous wastes" means the categories of wastes specified as such in the Environment (Protection) Act, 1986 ;

39) "House- drain" means any drain of one or more premises used for the drainage of such premises ;

40) "House-gully" means a passage or a strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter for municipal employee ;

41) "Hut" means any building, no substantial part of which, excluding the walls up to a height of fifty centimetres above the floor or floor level, is constructed of masonry, reinforced concrete, steel, iron or other metal ;

42) "Industrial township" means such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification, specify to be an industrial township ;

43) "Infectious disease" or "communicable disease "means any disease which may be transmitted from one person to another and declared as such by the State Government by notification;

44) "Joint Committee" means a Joint Committee constituted under section 34;

45) "Larger urban area" means a municipal area classified as a larger urban area under section 7 ;

46) "Land or building" includes a slum ;

47) "Market" includes anyplace, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, live stock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Municipality as a market'

48) "Masonry building" means any building, other than a hut, and includes any structure, a substantial part of which is made of masonry, reinforced concrete, steel, iron or other metal ; 63 of 1948

49) "Milk" includes cream, separated milk, and condensed, sterilized, desiccated or toned milk ; 29 of 1986

50) "Municipal Accounts Committee" means a Municipal Accounts Committee constituted under section 100 ;

51) "Municipal Accounting Manual" means the Municipal Accounting Manual prepared and maintained under section 89 ;

52) "Municipal area" means an area constituted as a municipal area under section 6 ;

53) "Municipal drain" means a drain vested in the Municipality;

54) "Municipal Fund" means the Municipal Fund referred to in section 75 ; 55)

"Municipal Magistrate" means the Municipal Magistrate appointed under section 425 ;

56) "Municipal Market" means a market belonging to, or maintained by, the Municipality;

57) "Municipal Service Commission" means the Municipal Service Commission constituted under section 44 ;

58) "Municipal slaughterhouse" means a slaughterhouse belonging to, or maintained by, the Municipality;

59) "Municipality" means an institution of self government constituted under section 12, read with article 243 Q of the Constitution of India, and includes a Municipal Corporation, a Municipal Council, and Nagar Panchayat, referred to in section 13;

60) "Notification" means a notification published in the Official Gazette;

61) "Nuisance" includes any act, omission, place or thing which causes, or is likely to cause, injury, danger, annoyance or injurious to health or property ;

62) "Occupier" includes any person for the time being paying or liable to pay, to the owner rent or any portion of the rent of the land or the building in respect of which the word is used or for damages on account of the occupation of such land or building, and also includes a rent-free tenant :

Provided that an owner living in, of otherwise using, his own land or building shall be deemed to be the occupier thereof ;

63) "Offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance, or fifth of any kind which is not included in sewage , 64) "Other agency" means a company firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time bring in force ;

65) "Owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as an agent or charitable purpose or as a receiver who would receive such rent if the land or the building or of any part of the land or the building were let to a tenant ;

66) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published ;

67) "Premises" means any land or building or part of a building or any hut or part of a hut, and includes -

(a) the garden, ground and outhouses, if any, appertaining thereto, and (b) any fittings or fixtures affixed to a building or part of a building or hut or part of a hut for the more beneficial enjoyment thereof;

68) "Prescribed" means prescribed by rules made under this Act;

69) "Presiding officer" means,-

(a) in the case of a Municipal Council, the Municipal Chairperson,

(b) in the case of a Nagar Panchayat, the Municipal President;

70) "Private drain" means any drain which is not a municipal drain;

71) "Private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two meters and fifty centimetres wide ;

72) "Public building" means a masonry building constructed, used, or adapted to be used,-

(a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling-house so used) or as a hospital, workhouse, public theatre, public cinema, public hall, public concert-room, public ballroom, public lecture-room, public library or public exhibition room or as a public place of assembly, or

(b) for any other public purpose, or

(c) as a hotel, lodging-house, refuge or shelter, where the building, in cubical extent, exceeds seven thousand cubic meters or has sleeping accommodation for more than one hundred person;

73) "Public street" means any street, road, lane, gully, alley, passage, pathway,

square or court yard, whether a thoroughfare or not, over which the public have a right of way, and includes :-

(a) the access or approach to a public ferry,

(b) the roadway over any public bridge or causeway,

(c) the footpath attached to any such street, public bridge or causeway, (d) the passage connecting two public streets, and

(e) the drains attached to any such street, public bridge or causeway, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, ail land up to the boundary wall, hedge or pillar of the premises, if any, abutting on the street, or, where a street alignment has been fixed, up to such alignment ;

74) "Regulations" means the regulations made by a Municipality under this Act ;

75) "Rules" means the Rules made by the State Government under this Act ;

76) "Sewage" means nigh-soil and other contents of privies, urinals,

cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

77) "Smaller urban area" means a municipal area classified as a smaller urban area under section 7;

78) "State Municipal Service Commission" means the State Municipal Service Commission constituted under section 45 ;

79) "State Municipal Vigilance Authority" means the State Municipal Vigilance Authority appointed under section 46 ;

80) "Street" means a public street or a private street ;

81) "Street alignment" means the line dividing the land comprised in, and

forming part of, a street from the adjoining land;

82) "Subject Committee" means a Subject Committee constituted under section 32 ;

83) "Ward Committee" means a ward Committee referred to in section 31; 84) "Wards Committee" means a wards Committee constituted under section 30 ;

85) "Water-course" includes a ricer, stream or channel, whether natural or artificial ;

86) "Year" means a financial year beginning on the first day of April.

Chapter-II

Constitution of Municipal Areas and Classification of Municipalities

Declaration Intention Constitute Municipal area.

3. (i) The Governor may, after making such inquiry as he may deem fit, and having regard to the population of any urban area, the density of population therein, the revenue generated for the local administration of such area, the percentage of employment in non- agricultural activities in such area, the economic importance of such area, and such other factors as may be prescribed, by notification, declare his intention to specify such area to be a larger urban area, or smaller urban area, or a transitional area'.

Provided that no such declaration shall be made unless the population :- a) in the case of a larger urban area is 75 thousands or more,

b) in the case of a smaller urban area, is twenty five thousand or more but is less than 75 thousand, and

c) in the case of a transitional area, is less than twenty-five thousand :

Provided further that the non-agricultural population in all cases shall be eighty five per cent or more.

Explanation :- "revenue generated for the local administration ' shall not include –

a) taxes, if any, distributed to the Municipality by the State Government,

b) loans and grants from the State Government, and

c) loans and grants from the Central Government or any institution or other source.

(2) The Governor shall, by notification, declare an area specified as- i. a larger urban area to be a city,

ii. a smaller area to be a town, and

iii. a transitional area to be a Nagar Panchayat.

(3) Notwithstanding anything contained in sub-section (l), the Governor may, by notification, determine separate conditions to constitute any hill area, pilgrim centre, tourist centre of mandi town as a municipal area.

Publication declaration.

4. (1) The notification about the constitution of a municipal area shall be published in the Official Gazette and in at least two leading newspapers, at least one of which shall be in vernacular intelligible to the inhabitants of the local area concerned.

(2) A copy of the notification shall also be pasted in a conspicuous place in the office of the Collector of the district and, where there is a Municipality also in the office of the Municipality and in such other public places as the State Government may direct.

(3) A public proclamation about the constitution of a municipal area shall be made either by beating of drum throughout the local area concerned or through

any other publicity media.

Consideration

5. Any inhabitant of the city, town or Nagar Panchayat in respect of which a notification has been published under section 4 may, if he objects to anything

Of objection

contained in the notification, submit his objection in writing to the State

Government within one month from the date of its publication, and the State Government shall take such objection into consideration.

6. On the expiry of one month from the date of publication of the notification and Constitution of Municipal area. onstitution of after consideration of all or any of the objection which may be submitted. the Governor may, by notification, constitute such city transitional area or any specified part thereof as a municipal area under this Act.

7. The Governor may, for the purpose of application of the provisions of this Act, Classification of Municipal areas. ssification of classify any municipal area on the basis of the population as ascertained at the nicipal areas. last preceding census of which the relevant figures have been published, as-

a) a urban area of-
Class 'A municipal area having population above 75,000 or
Class 'B' municipal area having population above 30,000 but not exceeding 75,000 or Class 'C' municipal area having population above 20,000, but not exceeding 30,000 , and

b) Nagar Panchayat having population not exceeding 20,000 :

Provided that for the purpose of classification of municipal area in any hill area, pilgrim centre, tourist centre of mandi town, the Governor may, by notification, determine separate size of population for each class of such municipal areas'

8. The Governor may by notification,-

a. withdraw any municipal area or part thereof from the operation of this Act, Power to abolish or alter Iimits of or defined in the notification,

c. include within a municipal area any local area contiguous to such municipal area and defined in the notification, or

d. divide any municipal area into two or more municipal areas, or

e. unite two or more contiguous municipal area so as to constitute one municipal area, or

f. revise the boundary of two or more contiguous municipal areas:

Provided that the procedure laid down for the constitution of a municipal area under this Act shall be followed mutates mutants in each such case:

Provided further that the views of the Municipality affected by any such notification shall be invited by the State Government within such time as may be specified in the notification, and the State Government shal1 consider the views of the Municipality as aforesaid before a final declaration is made:

Provided also that no such notification shall be issued where any part of the municipal area or any neighbouring area is a cantonment or part of a cantonment, as defined in the Cantonments Act, 1924.

9. Where a dwelling house, manufactory, warehouse, or place of industry or Power to include house, manufactory this Act, by notification, declare the municipal within which such dwelling house, etc. within

10. (1) The State Government may, by notification, and for reasons to be Power to Exercise of any there

(2) While a notification under sub- section (1) remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions from

the operation of which the municipal areas or Nagar Panchayats as aforesaid are exempted.

Chapter-III

Municipality and Municipal Councillors

The Municipality Constitution of Municipality.

11. (1) The municipality shall consist of such number of elected Councillors as there are wards within the municipal area as determined in accordance with the provisions of any law relating to municipal election in the State.

(2) The Municipality shall be a body corporate with perpetual succession and a common seal, and may, by the name of the Municipality of the city / town or the Nagar Panchayats, as the case may be, by reference to which the Municipality is known, sue and be sued.

(3) All executive actions of the Empowered Standing Committee shall be expressed to be taken in the name of the Municipality.

(4) Subject to the provisions of this Act, the Municipality shall have the power to acquire, hold and dispose of properties.

Constitution of Municipality

12. (1) The Councillors elected in a general election or a by- election of a municipality in accordance with the provisions of any law relating to municipal elections in the State, shall constitute the Municipality.

(2) The Municipality shall, unless dissolved earlier, continue for a period of five years from the date of its first meeting after the general election, and

(3) No longer an election to constitute a Municipality shall be completed, as the case may be;

(a) before the expiry of the period specified in subsection (2), or

(b) before the expiry of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold an election for constituting the Municipality for such period.

(4) The Municipality constituted upon its dissolution before the expiry of the period specified in subsection (2) shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub- section (2) had it not been so dissolved.

(5) In a municipal area newly constituted, the local authority having jurisdiction over such area immediately before such area was constituted a municipal area, shall continue to have jurisdiction and to perform its functions till such time , not exceeding six months from the date of the notification under section 6, as may be necessary for holding elections.

(6) If, for any reason, it is not possible to hold the general election of a Municipality before the expiry of the period of five years specified in subsection (2), the Municipality shall stand dissolved on the expiry of the said period, and all the powers and functions vested in the municipal authorities under this Act or under any other law for the time being in force shall be exercised or performed, as the case may be, by such person or persons to be designated as Administrator or Board of Administrators as the State Government may, by notification, appoint.

Constitution Municipality

13.Each Municipality shall consist of such number of Councillors as are specified in the Table below:-

The Table

Population Range	Number of Councillors		
	Minimum	Incremental Number	Maximum

Municipal Councils

Class 'A'	l5	One additional Councillor for every 5,000 above 75,000	25 Municipal Council
Class 'B'	10	One additional Councillor for every 3,000 above 50,000	20 Municipal Council
Class 'C'	8	One additional Councillor for every 2,500 above 30,000	16 Municipal Council

Nagar Panchayat

Nagar Panchayat	6		10

14. Notwithstanding anything contained in this Act, the superintendence, Direction and control of the preparation of electoral rolls for, and the Conduct of, all elections of Councillors shall be vested in the State Election Commission constituted under the State Election Commission Act or the State Municipal Election Act, as the case may be. Election Councillors.

15. (l) Notwithstanding anything contained in the Indian Oaths Act, 1873, every of allegiance to person who is elected as a Councillor shall, before taking his seat, make and before the District Magistrate or the magistrate in-charge of the sub-division in which the municipal area is situated or an officer of the State Government authorized in this behalf by the District magistrate. Oath be taken

(2) The oath shall be in the following form :-

"I, A. B., have been elected a Councillor of the municipal area of. do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter".

(3) Any person who, having been elected a Councillor, fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (1), shall cease to hold his office and his seat shall be deemed to be vacant :

Provided that the State Government may, for reasons to be recorded in writing, extend each case or class of cases the period of three months as it thinks fit.

16. Subject to the provisions of sub-section (3) or subsection (4), as the of office of case may be, of section 12, a Councillor Councillors shall hold office for a period of five years from the date of the first meeting of the Municipality. Term of

Municipality under section 35 or, in the case of a Councillor chosen to fill a casual vacancy, for the remainder of the term of office of his predecessor, unless –

a. the Municipality is dissolved earlier, or

b. he resigns his office by notice, in writing, under his hand addressed to Chief Councillor, and, thereupon, his office shall become vacant from the date of the notice, or

c. his election is void, or is declared to be void, under the provisions of any law relating to municipal elections in the State, or

d. the entire area of the ward from which he has been elected is withdrawn from the operation of this Act under clause (a) of sub-section (1) of section 8.

17. (l) Every Councillor shall be deemed to have vacated his office forthwith if he is recalled by means of secret ballot by a majority of the total number of voters of the concerned ward of the municipal area casting the vote in accordance with such procedure as may be prescribed ; Recall Councillors.

Provided that no process of recalled shall be initiated unless a proposal in this behalf is signed by not less than three-fourth of the total

number of Councillors and presented to the Collector or Chief Municipal Executive Officer/ the Municipal Executive Officer:

Provided further that no such process of recall shall be initiated-

i. within a period of two years from the date or which a Councillor is elected and enters upon, his office, or

ii. if half of the term of office of a Councillor elected in a bye-election has not expired:

Provided also that the process of recall of a Councillor shall be initiated once only during the term of his office.

(2) when a proposal for recall of a Councillor is presented to the Collector under the first provision to sub-section (1), the Collector/Chief Municipal Executive Officer/the Municipal Executive Officer shall, after satisfying himself and verifying that not less than three-fourth of the Councillors have signed the proposal, send the proposal to the State Government shall make a reference to tire State Election Commission.

(3) On receipt of the reference under sub-section (2), the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed.

18. No employee of any Municipality shall be eligible to contest an election to become a Councillor of any Councillor if Municipality. Disqualification for being a employed in

19. The Chief Councillor, the other members of the Empowered Standing Committee, and the other Councillors may receive such remuneration and allowances as may be prescribed : Remuneration allowances Councillors.

Provided that different rates may be prescribed for different classes of Municipalities.

Chapter-IV

Municipal Authorities

20. (1) The Municipal Authorities for the purposes of giving effect to the Provisions of this Act shall be, Municipal authorit

(a)in the case of a Class 'A or Class 'B' or Class ‘C’, Smaller urban area,-

i. The Municipal Council,

ii. The Empowered Standing Committee,

iii. The Municipal Chairperson, and

iv. The Municipal Executive Officer;

(b) In the case of a Nagar Panchayat,-

i. The Nagar Panchayat,

ii. the Empowered Standing Committee,

iii. the Municipal President, and

iv. The Municipal Executive Officer.

(2) The presiding officer of the Municipality shall be, in the case of- a. The Municipal Council, the Municipal Chairperson, and,

b. The Nagar Panchayat, the Municipal President.

21. (1) In every Municipality there shall be an Empowered Standing Committee.

(2) The Empowered Standing committee shall consist of-

a. In the case of a class 'A’ or class 'B' Municipal Council, the Constitution

Municipal Chairperson, the Municipal Vice-Chairperson, and five other Councillors;

Empowered Standing

b. in the

Chairperson, and three other Councillors; and

c. in the case of a Nagar panchayat, the Municipal President, the Municipal Vice-president, and three other Councillors.

(3) The Municipal Vice Chairman or the Municipal Vice President, as the case may be, of a Municipal Council or a Nagar Panchayat, sha11 be elected by the Councillors from among the Councillors.

(4) The other members of the Empowered Standing Committee shall be nominated by the Chief Councillor from among the Councillors within a period of seven days of his entering office.

(5) The members of the Empowered Standing Committee shall assume charge after taking the oath of secrecy under section 24.

(6) The Chief Councillor shall be the presiding officer of the Empowered Standing Committee.

(7) The manner of transaction of business of the Empowered Standing Committee shall be such as may be prescribed.

(8) The Empowered Standing Committee shall be collectively responsible to the Municipal Council or the Nagar Panchayat, as the case may be.

22. Subject to the Provisions of this Act and the rules and the regulations made there under, the executive power of a Municipality shall be exercised by Empowered Standing Committee.

23. (1) The Councillors shall, in the first meeting under section 35, elect in accordance with such procedure as may be prescribed one of the Councillors to be

Executive power of Municipality

to

be l

by

(2) If the Councillors fail to elect a Chief Councillor under sub-section (1), the Committee.

State Government shall appoint by name one of the Councillors to be the Chief Councillor.

Ele

ction of

Chi

ef Councillor.

(3) In the case of any casual vacancy in the office of the Chief Councillor caused by death, resignation, removal or otherwise, and to fill up the vacancy, the councillors may elect one of the councillors to be chief councillor as may be prescribed.

24. (1) The Councillor and the members of the Empowered Standing Committee of a Municipality shall assume office after taking the oath of secrecy in the following form:-

Oath of secrecy to be taken by Chief Councillor and

Council

lor

and

shall be brought under my consideration or shall become known to me as the

Commi

ttee.

presiding officer or as member of the Empowered Standing Committee except as may be required for the due discharge of my duties".

(2) The oath of secrecy shall be administered by:-

In the case of a Municipal Council or a Nagar Panchayat, the Distinct Magistrate or the Magistrate in-charge of the Sub- division in which the municipal area is situated or an officer of the State Government authorized in this behalf by the District Magistrate.

25. (1) The Chief Councillor shall cease to hold office as such if he ceases to be a Councillor. Chief Councillor.

(2) The Chief Councillor may, at any, time, by giving a notice, in writing to the Municipality resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.

(3) The Chief Councillor may be removed from office by a resolution carried out by a majority of the total number of councillors holding office for the time being at a special meeting to be called for this purpose in the manner as prescribed, upon a requisition made in writing by not less than one- third of the total number of Councillors, and the procedure for the conduct of business in the special meeting shall be such as may be prescribed.

Provided that no such resolution shall be moved before the expiry of six months from the date of entering office by the Chief Councillor, and if such resolution is not carried by a majority of the total number of councillors, no further resolution for such purpose shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

26. (1) The Deputy Chief Councillor shall, in the absence of the Chief Councillor, Deputy Chief presi

(2) When-

a. The office of the Chief Councillor falls vacant by reason of death, resignation, removal or otherwise, or

b. The Chief Councillor is, by reason of reason of Ieave, illness or other cause, temporarily unable to exercise the powers, perform the functions, or discharge the duties, of his office,

The Deputy Chief Councillor shall exercise the powers, perform the functions, and discharge the duties, of the Chief Councillor until a Chief Councillor is elected under subsection (3) of section 23 and enters office or until the Chief Councillor resumes his duties.

(3) The Deputy Chief Councillor shall, at any time, exercise such other powers, perform such other functions, and discharge such other duties, as may be delegated to him under the provisions of this Act.

27. The term of office of the Chief Councillor and the members of the office of Empowered Standing Committee shall be conterminous with the duration of the Councillor and Municipality. Term of Chief membe rs of Commi ttee.

28. (1) The Municipality may, by resolution, delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Empowered Standing Committee. Delegation powers functions.

(2) The Empowered Standing Committee may, by order in writing delegate, subject to such conditions as may be specified in the order, any of its powers or functions to the Chief Councillor or to the Chief Municipal Executive Officer/ Municipal Executive Officer.

(3) Subject to such standing orders as may be made by the Empowered Standing Committee in this behalf,-

a. the Chief Councillor may, by order, delegate, subject to such conditions as maybe specified in the order, any of his powers or functions to the Deputy Chief Councillor or the Chief Municipal Executive Officer Municipal Executive Officer.

b. the Chief Municipal Executive Office Municipal Executive Officer, may. by order subject to such conditions as may be specific in the order, any of his powers or function excluding the powers or functions under subsection (2) of section 354 or section 365 to any

officer or other employee of the Municipality; and

c. any officer of the Municipality, other than the Chief Municipal Executive Officer / Municipal; Executive Officer, may, by order, delegate, subject to such conditions as may be specified the order, any of his powers or functions any other officer subordinate to him'

(4) Notwithstanding anything contained in this section, the Empowered Standing Committee, the Councillor, the Municipal Officer, or the other officer referred to in clause (c) of sub-section (3) shall not delegate-

a. any of its or his powers or functions delegate to it or him under this section, or

b. such of its or his powers or functions as may be specified by regulations.

29. (1) The office of the Chief Councillor in the Municipality' shall be reserved for Re servation of Scheduled Tribes, and women to such extent, and in such manner, as may be prescribed Wards Committee. Off ice of Chief Co uncillor.

30. (1) Every Municipal Council, at its first meeting after the election of Councillors thereto or as soon as may be thereafter, group the wards of the Council in such manner that each group consists of no less than three contiguous wards, and constitute wards committee for each such group. Wards Committee.

(2) Each wards committee shall consist of the councillors elected from the wards constituting the groups.

(3) A councillor of the wards committee representing constituent ward shall hold office till he ceases till he ceases to be the councillor representing such ward.

(4) The councillors of each wards committee shall elect from amongst themselves one councillor, who shall not be a member of tire empowered standing committee, to be its Chair Person.

(5) The Chairperson of a wards committee may, at any time, resign his office by giving notice in writing to the Chairman and the resignation shall take effect from the date of acceptance by the Chairman.

(6) A wards committee shall, subject to the general supervision and control of the Empowered Standing Committee, discharge, within the local limits of the group of wards, the functions of the Municipality relating to the provision of supply-pipes and drainage and sewerage connections to premises, removal of accumulated water on the streets or public places due to rain or otherwise, collection and removal of solid wastes, disinfection, provision of health immunization services and slum services, provision of lighting, repair of category IV and category V roads, maintenance of parks, drains and gullies, issue of license under sub-section (1) of section 369, and such other functions as the Municipality may, from time to time, determine by regulations.

(7) The Empowered Standing Committee shall assign to a wards committee such number of officers and other employees as it deems fit and shall designate one of such officers as the wards officer of such wards committee-

(8) The manner of transaction of business of the wards committee shall be such as may be determined by regulations.

(9) Subject to such conditions, if any, as may be specified by regulations, a wards committee may conduct public hearing on any major issue of public interest.

31. (1) Each ward of a Municipality shall have a ward committee. Ward Committee.

(2) The Councillor elected from a ward shall be the chairperson of the ward committee for that ward.

(3) The ward committee may include nor more than ten persons representing the civil society from the ward, nominated by the Municipality.

provided that if the population of the ward is not more than ten thousand, the number of other members shall be four, and, thereafter, there shall be one additional member for every four thousand population or part thereof.

Provided further that in reckoning the number of additional members of the ward committee exceeding four, any part of less than two thousand population may be ignored.

Explanation: For the up{poses of this section, "civil society" shall mean any non-government organization or association or person, established, constituted or registered under any law for the time being in force and working for social welfare, and shall include any-community-based organization, professional institution and civic, heath, educational, social or choral body, and such other association or body as the Municipality may decide.

(4) The ward committee shall perform such functions. and in such manner, as may be specified by regulations.

Note:The provision of the section - 30 & 31 shall be subject to approval of the State Government.

Subject

32. (l) A Class 'A' Municipal council may, from time to time, constitute Subject Committee. Committees consisting of Councillors to deal with the following matters, namely:-

a. water- supply, drainage and sewerage, and solid waste management;
b. urban environment management and land use control: and
c. Slum services.

(2) The members of the Empowered Standing Committee and Chairperson, Municipal council, as Nagar Panchayat as the case may be, shall not be members of any subject Committee.

(3) Each subject Committee shall consist of –

a. five members in the case of a subject Committee of a Class 'A' Municipal Council.

b. 3 members in case of Nagar Panchayat.

(4) The manner of the constitution and the transaction of business of a subject Committee shall be such as may be specified by regulations,

(5) The term of a Subject Committee shal1 be not less than two years,

(6) The Chairperson of a Subject Committee shall be elected by its members from amongst themselves in the manner specified by regulations:

Provided that a member shall not be eligible for election as Chairperson for more than two terms.

(7) Each Subject Committee shall exercise such powers, and perform such functions, as may be specified by regulations.

(8) The recommendations of a Subject Committee shall be submitted to the Empowered Standing Committee for its consideration.

Ad hoc

33. (1) The Empowered Standing Committee may, from time to time, appoint an Committee. Ad hoc Committee to perform such functions, or conduct such enquiries, or undertake such studies including reports thereon, as may be specified by a resolution in this behalf.

(2) Any person, who is not a Councillor but possesses special qualifications useful for the purpose of an Ad hoc Committee, may be associated therewith as its member.

(3) The manner of transaction of business in an Ad hoc Committee shall be such as may be laid down by the Empowered Standing Committee.

Joint Committee.

34. (1) The State government may if it considers it necessary so to do, constitute a Joint committee for more, than one Municipality, or for one or more Municipalities with other local authority or local authorities, for any purpose in in which they are jointly interested or for delegating to it any power or function which calls for joint action.

(2) The Joint Committee shall consist of the following members:-

i. two elected members of each constituent Municipality or local authority, ii. one nominee of each of the concerned departments of the state Government or of the concerned statutory authorities under the State government,

iii. such expert or experts as the State government may nominate, and

iv. The Director of Local Bodies or high representative who shall act as the convene of the Joint Committee.

(3) The procedure of transaction of business by a Joint committee shall be such as may be prescribed.

Fi

35. (1) The first meeting of a Municipality after the general election of

rst meeting of Councillors to the Municipality shall be convened within thirty days from the date

Municipality.

of publication of the names of elected Councillors in the Official gazette under the provisions of any law relating to municipal elections in the State.

(2) seven days' notice sha1l be given for the meeting;

(3) In the case of a Municipal Council or a Nagar Panchayat, the meeting shall be convened by the District Magistrate or any other Executive Magistrate authorized by the District Magistrate in this behalf.

Chapter – V

Organization Structure of Municipality

A. Statutory Officers of Municipality

Officers Municipality.

36. (1) Subject to the provisions of section-41, and having regard to the need for ensuring maximum possible economy in Municipal administration the Municipality may, besides appointing a Municipal Executive Officer in the case of a Municipal Council or a Nagar Panchayat, appoint officers to deal with all or any of the functions relating to finance, engineering, health, secretariat, law and internal audit, as the Empowered Standing Committee may, from time to time, determine.

Note:

In order to ensure minimum financial involvement recruiting Municipal Officer initially, the under mentioned Officers/officials shall be entrusted/deputed with the functions as under namely:-

*i. *[The Deputy Commissioner, Capital Complex shall function as Chief Municipal Executive officer of Municipal in Capital Region and in Districts the Deputy Commissioners or his representative of respective towns where municipality is constituted shall be the l Executive officer of that Municipality.]*

**[substituted by 2010 Amd Act.S.2 wef 05/08/2010]*

ii. The relevant technical manpower such as Architects, Civil engineers and Town planners and non-technical manpower from the Department of Urban development & Housing and Town Planning shall be posted to the Municipalities on deputation basis, till the Municipalities generates enough resources to create and sustain its own establishment and manpower.

(2) Appointments of officers mentioned in sub-section (1) may be made either on a regular basis or on a contract basis for such term as the Empowered Standing Committee may consider necessary.

(3) At the requests of the Empowered Standing Committees of more than one Municipality, the state Government may, by order, provide for sharing of services of officers referred to in sub-section (1) by such Municipalities, and on such terms and
Conditions, as may be specified in the order.

(4) Subject to the provisions of sub-section (2), appointments of officers referred to in sub-section (1) for different posts as may be specified by regulations shall be made-

a. by the State Government in consultation with Chief Municipal Executive Officer with the Empowered Standing Committee and Chief Municipal Executive Officer Municipal Executive Officer by notification from amongst the persons who are or have been in the Service of that Government, or

b. by the Empowered Standing Committee with the prior approval of the State Government and in consultation with the State Public Service Commission:

Provided that the appointments to the posts as aforesaid shall be on such terms and conditions, and for such period not exceeding five years in the first instance, as the State Government may determine:

Provided further that the State Government may, in consultation with the Empowered Standing Committee, extend the period of appointment of posts as aforesaid from time to time, so; however the total period of extension shall not exceed five years.

(5) Until cadres of common municipal services for the State are constituted under sub-section (1) of Section 43, the Empowered Standing Committee may determine which of the posts of officers referred to in sub-section (1) of this section are necessary for a Municipal Council or a Nagar Panchayat, and, with the prior approval of the State Government, create
posts or, and appoint, such officers and fix the salaries and allowances to be paid to such officers.

(6) The method of, and the qualifications required for, recruitment, and the terms and conditions of service including conduct, discipline and control of Officers appointed by the Empowered Standing Committee shall be such as may be prescribed.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, at any time, in the case of any person appointed to any post referred to in subsection (1), terminate his appointment:

Provided that if, in the case of any such officer, the Empowered Standing Committee so decides, the State Government shall terminate the appointment of such officer.

(8) Notwithstanding anything contained in subsection (2) or sub-section (3), prior approval of the State Government shall be necessary in the case of appointment of a person not recommended by the State Public Service Commission.

(9) No person above the age of sixty years shall be appointed to any post in a municipality.

B. Municipal Establishment and Schedule of Posts.

37. (1) The posts of officers and other employees of the Municipality, other than

Establis

hment

(2) The Municipality shall, by regulation, classify the posts of officers and other employees constituting the establishment of the Municipality into four categories, namely, category 'A' post, category 'B' post, category 'C' post, and category 'D' post, on the basis of the scale of pay of such posts.

(3) The Municipality si:,rl p1sp31s, and maintain, a Schedule of posts of officers and other employees constituting the establishment of the Municipality, to be called Establishment -Schedule, and such Establishment Schedule shall include the designation, and the number of posts under each designation, and shall be in three parts of which part I shall include category 'A' posts, Part II shall include category 'B' Posts, and Part III shall include category 'C' posts and category 'D' posts.

(4) Every year the Chief Municipal Executive Officer/Municipal Executive Officer shall place before the Empowered Standing Committee for its consideration the Establishment Schedule along with the proposals for such changes therein as he may consider necessary:

Provided that no upward revision of the sizes of the establishment of tire Municipality shall be made without the prior sanction of the State Government.

(5) The Empowered Standing Committee shall, after consideration of the Establishment Schedule along with the proposals, if any, for changes therein, place the same along with its recommendations, if any, before the Municipality for approval prior to the presentation of the budget estimates to the Municipality by the Chief Councillor.

(6) The Chief Municipal Executive Officer/ Municipal Executive Officer shall revise the Establishment Schedule as approved by the Municipality.

(7) The Empowered Standing Committee may sanction any category 'C' post or category 'D' post for a period not exceeding six months:

Provided that no such post shall be sanctioned unless there is a provision in this behalf in the budget estimates of the Municipality.

(8) Subject to such norms regulating to the size of a municipal establishment as may be fixed by the State Government from time to time, no post of an officer or other employees of the Municipality shall be created by the Municipality without the prior sanction of the State Government, if the number of posts to be so created in a year for a Municipality is more than one per cent of the total number of sanctioned posts of officers and other employees in existence in the year immediately preceding.

Provided that the number of posts as may be admissible for creation in a year without the prior sanction of the State Government after the commencement of this Act, if not created in that year, may be carried forward to the next year. subject to a maximum of ten.

(9) The recruitment to the posts of officers and other employees of the Municipality not required to be made through the Municipal Service Commission Shall be made through the local employment exchange or through such other method as the State Government may determine from time to time.

(10) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, the Empowered Standing Committee may decide to engage on contract basis, officers and other employees of the Municipality against such posts of officers and other employees referred to in sub-section (1) of section 37.

38. Subject to the other provisions of this Act, the appointing authority in respect of the posts of officers and other employees constituting the establishment of the Municipality shall be,-

Appointing Authorities.

a) the Chief Municipal Executive Officer in Municipality of Capital Region and Municipal Executive Officers in other Municipalities.

Provided that-

1. *Except Group - 'C' and 'D' Posts, no other posts shall be recruited directly within first Five years of commencing of Municipality.*
2. *Except Group -'C' 'D' & 'B' Posts, no Group-'A' posts shall be recruited directly within first ten years of commencing of Municipality.*

Explanations: in the initial years of introduction of Municipality, recruitment of all the posts directly will create huge financial involvement to the state exchequer. Therefore, in order to minimize the financial involvement and to ensure experienced hand in the administration of Municipality, the officers and staff of relevant department such as Deptt. of UD & Housing, Town Planning, Health Department, Law Department etc. shall be utilized, till such time the Municipalities generates enough resources to sustain its own establishment.

Salaries and Allowances

39. (1) All officers and other employees of a Municipality including the officers referred to in section -36 shall receive salaries and allowances out of the

Provided that the State Government may make such contribution toward the salaries and allowances as aforesaid as it may, from time to time, determine.

(2) The Municipality may also provide for pension gratuity, provident fund, incentive, bonus, reward or penalty for its officers and other employees in accordance with such rules, norms, scales and conditions as may be prescribed.

Leave and o Conditions service.

40. All officers and other employees of the Municipality shall be subject to such conditions of service including leave and other benefits or obligations, not specifically provided for in this Act as may be prescribed.

Appoin tment of Hou Municipalities.

41. Notwithstanding anything contained elsewhere in the Act, the State Government may appoint officers from Department of Urban development and Municipal Council or class of Municipal Councils or a Nagar Panchayat as

Municipal Executive Officer, Municipal Finance Officer, Municipal Architect / Engineer/ Town Planner or Municipal Health Officer referred to in sub section (1) of section -36 or with such designation a the State Government may consider necessary and in such manner, and on such terms and conditions of service, as may be determined by the State Government in this behalf. The expenditure on account of salaries an allowances of any such officer shall be borne by the State Government:

Provided that the officer so appointed shall be under the administrative control of the Empowered Standing Committee and matters to that effect may passed by the Councillors at a meeting called for the purpose by a majority of the total number of Councillors holding office for the time being.

C. Municipal Establishment Audit Commission

Municipal Establishment Audit Commission.

42. For the purpose of review of the existing establishment of the Municipalities pal in the State, and for fixing norms and standards of manpower for different tasks hment Audit performed at various levels of Municipalities, and for performance of similar ssion.

other functions, the State Government may constitute a Municipal Establishment Audit Commission in such manner and consisting of a

chairperson and such other members, and on such terms and conditions, as may be prescribed.

D. Municipal Services Cadres

43. (1) The State Government may constitute cadres of common municipal services of Common services for the State in respect of such officers of the Municipality referred to in Municipal Services, sub-section (i) of section-36 as may be determined by the Government from time to time. Cadres of Municipal Appointments, etc.

(2) The Director of Local Bodies shall be the appointing authority of all officers borne in the cadres of common municipal services and shall be the authority to transfer such officers from one Municipality to another.

E. Municipal Service Commission

44. Every Municipality may, and, if so directed by the State Government, shall, for the purpose of selection of its officers and other employees, constitute a Municipal service Commission in such manner, and consisting of a Chairperson and such other members, and on such terms and conditions, as may be prescribed. Municipal Service Commission Municipality.

45. The State Government may, for selection of such officers and other employees of a Municipality as maybe prescribed, constitute-

a. a State Municipal Service Commission, and in such manner, consisting of a Chairperson and such other members, and on such terms and conditions, as may be Prescribed. State Municipal Service Commission.

E. State Municipal Vigilance Authority

46. (1) The State Government may, by notification, appoint a State Municipal Vigilance Authority in such manner, consisting of a Chairperson and such other members, and on such terms and conditions, as maybe prescribed, for inquiring into any complaint of corruption, misconduct' lack of integrity or any other kind of malpractice or misdemeanour on the part of any officer or other employee of a municipality and for making recommendation to the Empowered Standing Committee. State Municipal Vigilance Authority.

(2) No Councillor and no officer or other employee of any Municipality shall be the State Municipal Vigilance Authority.

Chapter-VI

Functional Domain of Municipalities

47. Every Municipality shall-

(1) (a) provide Core

i. water-supply for domestic, industrial, and commercial purposes,
ii. drainage and sewerage,
iii. solid waste management,
iv. preparation of plans for economic development and social justice,
v. communication systems including construction and maintenance of roads, footpaths, pedestrian pathways, transportation terminals, both for passengers and goods, bridges, over bridges, subways, ferries, and inland water transport system,
vi. transport system accessories including traffic engineering schemes, street lighting, parking areas, and

bus stops,

vii. community health and protection of environment including planting and caring of trees on road sides and elsewhere,

viii. markets and slaughterhouses,

ix. promotion of educational, sports and cultural activities, and

x. aesthetic environment, and

(b) Perform such other statutory or regulatory functions as may be provided by or under this Act or under any other law for the time being in force.

(2) The Municipality may, having, regard to its managerial, technical, financial and organizational capacity, and the actual conditions obtaining in the municipal area, decide not to take up or postpone, the performance of, any of the functions as aforesaid.

(3) The State Government may direct a Municipality to perform any of the functions as aforesaid, if such function is not taken up, or is postponed, by the Municipality.

(4) The Municipality may plan, build, operate, maintain or manage the infrastructure required for the discharge of any of the functions, as aforesaid either by itself or by any agency under any concession agreement referred to in section 167.

48. The Municipality may, subject to the underwriting of the costs by, and

Functions approval of, the Central Government or the State Government, as the case may

Assigned by be, undertake any function belonging to the functional domain and such

Government functions may include primary education curative health, transport, and supply of energy, arrangements for fire prevention and fire safety, and urban poverty alleviation.

49. The Municipality may, having regard to the satisfactory performance of its

Othe

r functions. core functions which shall constitute the first charge on the Municipal Fund, and subject to its managerial, technical and financial capabilities undertake or perform, or promote the performance of ‘any of the following functions:-

(1) in the sphere of town planning, urban development and development of commercial infrastructure'-

a. Planned development of new areas for human settlement,

b. measures for beautification of the municipal area by setting up parks and fountains ‘providing recreational areas, improving riverbanks, and landscaping,

c. collection of statistics and data, significant to the community, and

d. integration of the development plans and schemes of the municipal area with the district or regional development plan, if any'

(2) in the sphere of protection of environment,-

a. reclamation of waste lands, promotion of social forestry and maintenance of open spaces.

b. establishment and maintenance of nurseries for plants, vegetables and trees and promotion of greenery through mass participation,

c. organization of flower-shows and promotion of flower-growing as a civic culture, and

d. promotion of measures for abatement of all forms of pollution;

(3) in the sphere of public health and sanitation,-

a. mass inoculation campaigns for eradication of in factious diseases, b. construction and maintenance of municipal markets and slaughterhouses and regulation of all markets and slaughterhouses,

c. reclamation of unhealthy localities, removal obnoxious vegetation and abatement of all nuisances,

d. maintenance of all public tanks and regulating the re-excavation, repair and up-keep of all private tanks, wells and other sources of water- supply on such terms and conditions as the Municipality may deem proper, e. construction and maintenance of cattle pounds,

f. provision for unfiltered water-supply for non-domestic uses,

g. advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences, and

h. measures for eradication of addiction of all kinds including addiction to drugs and liquor;

(4) in the sphere of education and culture,-

a. promotion of civic education, adult education, social education and non-formal education,

b. promotion of cultural activities including music, physical education, sports and theatres and infrastructure there for,

c. advancement of science and technology in urban life,

d. publication of municipal journals, periodicals and souvenirs, purchase of books and subscription to journals, magazines and newspapers,

e. installation of statues, portraits and pictures in appropriate manner, f. organization, establishment and maintenance of art galleries and botanical or zoological collections ,and

g. maintenance of monuments and places of historical, artistic and other importance;

(5) in the sphere of public welfare,-

a. establishment and maintenance of shelters, in times of drought, flood, earthquake, or other natural or technological disasters, and relief works, for, destitute persons within the limits of the municipal area,

b. construction or maintenance of, or provision of aids to , hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres,

c. provision of shelter for the homeless,

d. implementation programmes for liberation and rehabilitation of scavengers and their families,

e. organization of voluntary labour and coordination of activities of voluntary agencies for community welfare, and

f. campaigns for dissemination of such information as is vital for public welfare; and

(6) in the sphere of community relations,-

a. civic receptions to persons of distinction and paying homage on death to persons of repute,

b. organization and management of fairs and exhibitions" and

c. Dissemination of information of public interest.

Chapter-VII

Conduct of Business

A. transaction of Business of Municipality

Meetings.

50. (1) The Municipality shall meet not less than one every month of the transaction of its business

(2) The Chief Councillor may, whenever he thinks and shall, upon a requisition in writing by not more than one- fifth of the Councillor, convene a meeting of the Municipality.

Notice of Meeting List of business

51. A list of business to be transacted at every meeting the Municipality, except at an adjourned meeting, shall be sent to the registered address of each councillor least seventy-two hours before the time fixed for sheeting, and no business shall be brought before transacted at, any meeting other than the business which notice has been so given:

Provided that any emergent business may brought before, and transacted in, the meeting with permission of the Chief Councillor:

Provided further that any Councillor may see or deliver to the Municipal Secretary notice of are solution so as to reach him at least forty-eight hour before the time fixed for the meeting, and the Municipal Secretary shall, with all possible dispatch, take steps circulate such resolution to every Councillor in such manner as he may think fit:
Provided also that no business, which has relevance to the business of the Municipality, shall brought before the Municipality.

Explanation: - For the purposes of this section" registered address" shall be the address for the being entered in the register of addresses of Council, to be maintained by the Municipal Secretary.

Quorum Transaction Business at a Meeting Municipality methods of decidin questions.

52. (1) The quorum necessary for the transaction business at a meeting of the Municipality shall one-fifth of the total number of Councillors.

(2) If at any during a meeting of the Municipality there is no quorum, it shall be the duty of the per presiding over such meeting either to adjourn meeting or to suspend the meeting until there is quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting shall be brought before' and maybe transacted at, the adjourned meeting.

(4) All matters required to be decided at a meeting of the Municipality shall, save as otherwise provided in this Act, be determined by a majority of votes of the Councillors present and voting.

(5) The voting shall be by show of hands, provided that the Municipality may, subject to such regulations as may be made by it, resolve that any question, or class of questions, shall be decided by secret ballot.

(6) At any meeting of the Municipality, where a poll is taken on a resolution before it, the votes of all the Councillors present, the presiding officer of such meeting, shall declare such resolution to have been carried or lost, as the case may be, in accordance with the result of such Poll.

(7) At any meeting of the Municipality, unless a poll is demanded by at least one-tenth of the councillors present, a declaration by the presiding officer of

such meeting that a resolution has been carried or lost in such meeting, and an entry to that effect in the minutes of the proceeding of such meeting shall, for the purposes of this Act, be conclusive evidence of the fact that such resolution has been carried or lost, as the case may be.

Presiding Officer of a meeting Municipality.

53. (1) The Chief Councillor shall preside at every meeting of the Municipality:

Provided that when a meeting is held to consider a motion for the removal of the Chief Councillor, the Chief Councillor shall not preside at such meeting.

(2) The Chief Councillor, or the person presiding over a meeting of the Municipality, shall also Lave' and may exercise, a casting vote in all cases of equality of votes.

Mainte nance suspens ion

54. (1) The presiding officer of a meeting of the Municipality shall presence

Councillor, whose conduct

and every councillor so directed shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any councillor is ordered to withdraw for a second time, the presiding officer may warn such Councillor of the action that may be taken and this sub-section and may thereafter if necessary suspend such

Councillor from attending the meetings of the Municipality for any period ,exceeding sixty days, and the Councillor suspended shall absent himself accordingly:

Provided that the Chief Councillor may at any time decide that such suspension be terminated:

Provided further that a Councillor shall not so long as he is debarred from attending a meeting of the Municipality attend any meeting of any committee of Municipality.

(4) In the case of grave disorder arising in a meeting the presiding officer may, if he thinks necessary to do, adjourn the meeting to a date specified by him.

55. (1) If a Councillor has any pecuniary interest, direct indirect, in any contract

Council lor having or proposed contract with or without employment under, or other matter,

Pecunia ry Interest in concerning the Municipality and is present at a such contract or of a committee any contract etc.

thereof at where consideration, he shall, as soon as practicable at the contract with Municipality.

or employment or other matter, a, shall not take part in the consideration or discuss. of, or vote on, any question with respect to such contract or employment or other matter:

Provided that the provisions of this section shall not apply to a Councillor has interest as tax-payer or inhabitant of the municipal area or consumer of water or having an interest any matter relating to any civic service to the public.

(2) For the purposes of this section, a Councillor shall be deemed to have an indirect pecuniary interesting a contract or employment or other matter if he or his nominee is a member of any company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the employment or other matter under consideration, or if he is a partner in a firm with which , or is in employment under a person with whom, the contract is made or is proposed to be made, or if such firm or person has a direct pecuniary interest in the employment or other matter under consideration:

Provided that:

i. the provisions of this sub-section shall not apply to a councillor who is a member of or is in employment under, any public institution or organization under any law for the time being in force, and

ii. a Councillor shall not, by reason of his membership of a company or other body' be treated as having any pecuniary interest in such company or other body if he has no beneficial interest in any share or stock of such company or other body.

(3) In the case of a Councillor who is married and lives with his spouse, the interest of one shall be deemed, for the purposes of this section' to be the interest of the other.

Explanation -For the purposes of this section and section -56, “company" sha11 mean anybody corporate, and shall include a firm or other association of individuals.

56. (1) A Councillor may give to the Municipal secretary notice to the effect that Disclosure of he or made or firm or person, such notice shall, unless and unit is withdrawn, be deemed to be a sufficient disclosure of his interest in such contract ,proposed contract which may be the subject consideration at a meeting of the Municipality aft the date of the notice.

(2) The Municipal Secretary shall record in a book, be kept for the purpose, particulars of are disclosure made under subsection (l) of section 55 and of any notice given under sub section of this section, and the book shall be open at a reasonable hours for the inspection of an Councillor.

57. (1) Every meeting of the Municipality shall be open to the public, unless a majority of the Councillor present at the meeting decides by a resolution, which shall be put by the presiding officer either on his own motion or at the request of any such Councillor that any enquiry or deliberation pending before the Municipality shall be held in private. Meeting to ordinarily open public.

(2) The Municipality may make regulations providing for the admission of strangers to its meeting and, for the removal by force, if necessary, of an. stranger for interrupting or disturbing the proceedings of the meeting.

58. The Chief Municipal Executive Officer/ Municipal, Executive Officer, or any Right of Chief Municipal Executive Officer and Municipal Executive Officer and other officers to attend meeting of Municipality and committees etc.

ht of the other officer of the Municipality authorized by him in writing in this behalf may ef Municipal attend any meeting of the Municipality or of its committees.

59. A Councillor may, subject to provisions of subsection(2), ask the Empowered Standing Committee questions on any matter relating to the administration of the Municipality or municipal governance, and all such questions.

Right of Councillor to ask questions.

questions shall be answered to the Empowered standing Committee and shall be answered either by the Chief Councillor or by any other member of the Empowered Standing Committee.

(2) The right to ask a question shal1 be governed byte following conditions, namely: -

a. not less than seven working days' notice' in writing, specifying the question shall be given to the Municipal Secretary;

b. no question shall-

i. bring in any name or statement not strictly necessary to make the question intelligible,

ii. contain arguments, ironical expressions imputations, epithets or defamatory statements,

iii. ask for an expression of opinion or the solution of a hypothetical proposition,

iv. ask as to the character or conduct of any person except in his official or public capacity,

v. relate to a matter which is not primarily the concern of the Municipality,

vi. make or imply a charge of a Personal character,

vii. raise questions of policy too large to be dealt with within the limits of an answer to a question,

viii. repeat in substance questions already answered or to which an answer has been refused,

ix. ask for information on trivial matters,

x. ask for information on matters of past history,

xi. ask for information set forth in accessible documents or in ordinary works or reference,

xii. raise matters under the control of bodies or persons not primarily responsible to the Municipality, or

xiii. ask for any information on any matter which is under adjudication by a court of law.

(3) The presiding officer shall disallow any question, which is, in his opinion, in contravention of the provisions of sub-section (2).

(4) If any doubt arises whether any question is or is not in contravention of the provisions of subsection (2), the matter shall be decided by the presiding officer, whose decision shall be final.

(5) The Chief Councillor or any member of the Empowered Standing Committee shall not be bound to answer a question seeking information which has been communicated to him or to the Empowered Standing Committee in confidence or if, in his opinion, it cannot be answered without prejudice to the public interest.

(6) Unless otherwise directed by the presiding officer of the meeting every question shall be answered at a meeting of the Municipality.

Discussion Urgent pu Matters.

60. (1) Any Councillor may give notice of raising discussion on a matter of urgent public importance to the Municipal secretary, stating clearly the matter to be raised.

(2) Such notice, supported by the signatures of at least two other Councillors, shall reach the Municipal Secretary at least forty-eight hours before the date on which such discussion is sought, and the Municipal secretary shall immediately place it before the Chief Councillor and circulate the notice among the Councillors in such manner as he may thinks fit.

(3) the Chief Councillor may admit for discussion such notice as may appear to him to be of sufficient public importance and allow such time for discussion as he may consider appropriate,

(4) There shall be no formal resolution or voting on such discussion.

Asking for Statement from Commi ttee.

61. (1) Any Councillor may ask for a statement from the Empowered Standing Committee on an urgent matter relating to the administration of the Municipality from commencement of the meeting of the Municipality on any day'

(2) The Chief Councillor or a member of the Empowered Standing committee may either make a brief statement on the same day or fix a date for making such statement.

(3) Not more than two such matters shall be raised at the same meeting and, in the event of more than two matters being raised; priority shall be given to the maters which are, in the opinion of the Chief Councillor, more urgent and important.

(4) There shall be no debate on such statement at the time it is made.

B. Minutes and Proceedings.

Keepin g of Minutes and Proceedings.

62. Minutes of each meeting of the Municipality and of a committee of the Municipality recording therein the names of the Councillors present at such meeting and the proceedings of each such meeting shall be laid before the next

meeting of the municipality or such committee, as the case may be, and signed at such meeting by the Presiding officer thereof.

63. Minutes of the proceedings of each meeting of the Municipality shall be circulated to all the Councillors and reasonable times, be available at the office of Minutes the Municipality for inspection by any councillor, free of cost, and by any other person on payment of such fee as the Municipality may determine. Circulation Inspection Minutes.

64. (1) The Municipal Secretary shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Municipality or a committee of the Municipality as early as possible. Forwarding Minutes to State Government.

(2) The State Government may, in any case, call for a copy or copies of all or any of the papers laid before the Municipality or any committee of the Municipality and, thereupon, the municipal Secretary shall forward to the State Government a copy or copies of such paper or papers.

65. The State Government may, by rules, provide for such matters, not provided Rules relating

C. Validation

66. (1) No act or proceeding of the Municipality or of any committee of the Municipality shall be called in question merely on the ground of-

Validation of acts a

the constitution of, the Municipality or any committee of the Municipality, or

b. any councillor having voted or taken part inane proceeding in contravention of the provisions of section 55, or

c. any defect or irregularity not affecting the merit of any case to which such defect or irregularity relates,

(2) Every meeting of the Municipality or any committee of the Municipality, the minutes of the proceeding of which have been duly signed under section - 62, shall be deemed to have been duly convened and be free from any defect or irregularity.

Chapter VIII

Direction and control

67. The State Government may, at any time, require any

Power of State Municipal Authority-

Government to call for records

(a) to produce any record, correspondence, or other documents, etc.

(b) to furnish any return, plan, estimate, statement, accounts, or statistics, and

(c) to furnish or obtain any report, and thereupon such municipal authority shall comply with such requirement.

68. The State Government may depute any of its officers to inspect or examine Power of State any department, office, service, work or property of the Municipally and to report

Govern ment make inspection or examin ation and report.

Provided that such officer shall be not below the rank of-

(a) a Deputy Secretary to the State Government in the case of a Class 'A Municipal Council or Class ,B, Municipal Council, and

(b) a Sub-divisional Officer in the case of a Class .C, Municipal council or Nagar panchayat, as the case maybe.

69. If, after considering the records required under section 67, or the report Power of

under section 68, or any information received otherwise by the State Government, the State Government is of opinion that- Government require Municipal Authorities to take

(a) any action taken by a municipal authority is unlawful or irregular or any duty imposed on such authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or action.

(b) adequate financial provision has not been made for the performance of a-y under this Act, the State Government may, by order require such municipal authority to regularize such unlawful or irregular action or perform such duty or restrain such authority from taking such unlawful or irregular action or direct such authority to make, to the satisfaction of the State Government, within such period as may be specified in the order, arrangement, or financial provision, as the case maybe, for the proper performance of such duty:

Provided that the State Government shall, unless in its opinion the immediate execution of such order is necessary before making an order under this section, give such municipal authority, in writing, an opportunity of show cause, within such period as may be specified by the State Government, why such order should not be made.

70. (1) If no action has been taken in accordance with the order under section of State 69 within the period specified therein or if no cause has been shown under the Power Govern ment action and may direct that all expenses connected therewith shall under section 69. be defrayed from the Municipal Fund.

(2) For the purposes of sub-section (1), it shall be lawful for the State Government to appoint, for such period as the State Government may thinks fit, any person considered suitable by it, who shall exercise and perform, subject to such directions as the State Government may issue from time to time, all or any of the powers and functions of the municipal authorities necessary to implement the order under section 69.

71 (1) If no action has been taken in accordance with the order under section 69 P ower of State within the period specified therein or if no cause has been shown under the G overnment to provision to that section or if the cause shown is not to the satisfaction of the di ssolve State Government, the State Government may make arrangements for the Municipality.

taking of such action and may direct that all expenses connected therewith shall be defrayed from the N4uniciPal Fund.

(2) For the purposes of sub-section (l), it shall be lawful for the State Government to appoint, for such period as the State Government may thinks fit, any person considered suitable by it, who shall exercise and perform, subject to such directions as the State Government may issue from time to time, all or any of the powers and functions of the municipal authorities necessary to implement the order under section 69.(1) Il in the opinion of the State Government, the Municipality has shown its incompetence, or has persistently made default in the performance of the duties, or in the exercise of the functions, imposed on it by or under this Act or any other law for the time being in force or has or abused its powers, or is unable to function under the provisions of this Act, the State Government may, subject to the provisions of subsection (2), by an order published in the Official Gazette, and stating the reasons

therefore' declare the Municipality to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and with effect from such date' as may be specified in the order.

(2) (a) before making any order under subsection (1), a notice shall be given by the State Government to the Municipality calling upon it to submit representation, if any, against the proposed order within such period as may be specified in the notice.

(b) on receipt of such representation, if any, the State Government shall constitute a committee consisting of five persons, nominated by the State Government, of whom-

(i) one shall be a member of the State Higher Judicial Service who shall be the Chair-Person of the committee,

(ii) one shall be the Chief Councillor of any other Municipality of the same class,

(iii) one shall be a Chartered Accountant or adperson having experience in financial matters,

(iv) one shall be an Engineer or Architect ‘and

(v) one shall be an officer of the State Government, not below the rank of a Sub-divisional Officer, and shall forward the representation to the committee for its consideration and report within such time as the State Government may specify,

(c) the State Government shall, on receipt of the report from the committee, consider the representation:

Provided that notwithstanding anything contained in subsection (l), no order of dissolution of the Municipality shall be made without giving the Municipality an opportunity of being heard.

72. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of the order of dissolution under sub-section (l) of section-71. Consequences dissolution.

(a) all the councillors including the members of the Empowered Standing Committee and of any committee of the Municipality constituted under this Act, and the Chief Councillor and the Deputy Chief Councillor shall vacate their respective offices, and

(b) all the powers and duties which, under the provisions of this Act or the rules or the regulations made there under or any other law of the time being in force, may be exercised or performed Standing by the members of the Empowered Standing Committee or of any committee of the Municipality or the Chief Councillor, shall be exercised or performed, subjects to such directions as the State Government may give from time to time, by such person or persons as the State Government may appoint in this behalf:

Provided that when the State Government appoints more than one person to exercise any powers or perform any duties, it may, by order, and in such manner as it thinks fit, allocate such powers and duties among the persons so appointed:

Provided further that the State Government shall be the remuneration of such person or persons, and may direct that such remuneration shall, in each case, be paid out of the Municipal Fund.

(2) For the avoidance of doubts, it is hereby declared that an order of dissolution under subsection (1) of section -7i shall not effect or imply in any way the dissolution of the Municipality as a body corporate.

Chapter-IX

Municipal finance and Municipal Fund

73. After taking into consideration the recommendations of the State Finance Implementation of

Commission constituted under article 243 -Y, read with article 243 -I, of the recommendations of Constitution of India, the State Government shall determine- State Fina

b. the assignment of taxes, duties, tolls and fees to the Municipalities,
c. the sanction of grants-in-aid to the Municipalities from the Consolidated fund of the State, and
d. the other measures required to improve the financial position of the Municipalities.

74. (1) The State Government may, from time to time, give grants or financial assistance to the Municipality with or without direction as to the manner in which such grants or financial assistance shall be applied. Financial Assistance from State Government.

(2) The State Government may, for giving such grants or assistance, lay down a scheme which may include the conditions of release of Municipalities into different classes for that purpose.

(3) The State Government may, give grants to the Municipality for implementation, in full or in part, of any scheme included in the annual development plan of the Municipality.

75. (1) There shall be a fund to be called the Municipal Fund which shall be held by the Municipality in trust for the purposes of this Act, and all moneys realized or realizable under this Act and all moneys otherwise received by the Municipality shall be credited thereto. Municipal Fund.

(2) Subject to such directions as the State Government may issue. in this behalf and keeping in view, the classification of municipal areas under section -7, the receipts and expenditures of the Municipality shall be kept under such heads of accounts, including those for water-supply, drainage and sewerage, solid waste management, road development and maintenance, slum services, commercial projects and other account heads as may be specified and the general account head, in such manner, and in such form, as may be prescribed, so as to facilitate the imposition of user charges and preparation of any subsidy report under this Act.

Explanation. - For the purposes of this section, "commercial projects" shall include municipal markers, development projects, property development projects, and such other projects of a commercial nature as may be specified by the Municipality from time to time.

(3) Every head of account specified under sub-section (1) shal1 be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case maybe.

Chapter-X

Application of Municipal fund

76. The moneys credited to the Municipal fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made there under and for payment out of the Municipal Fund under any other 1aw for the time being in force. Application Municipal Fund.

77. No payment of any sum out of the Municipal fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of Payments not to be made out Fund u

(a) refund of taxes and other moneys which are authorized by this Act,
(b) repayment of moneys belonging to contractors or other persons and held in deposit and ail moneys collected by the Municipality or credited to the Municipal Fund by mistake,
(c) temporary payment for works urgently required byte State

Government in the public interest,

(d) expenses incurred by the Municipality on special measures on the outbreak of dangerous diseases, natural or technological hazards or in any other emergent case,

(e) sums payable as compensation under this Act or the rules or the regulations made there under,

(f) sums payable-

i. under orders of the State Government on failure of the Municipality to take any action required by the State Government under any provision of this Act,

ii. under any other law for the time being in force,

iii. under the decree or order of a civil or criminal court against the Municipality, or

iv. under a compromise of any claim, suit or other legal proceeding, or v. on account of the cost incurred in taking immediate action by any of the n:,unicipal authorities to avert a sudden threat or danger to the property of municipality or of human life, and

(g) such other cases as may be determined by regulations.

78. Whenever any sum is paid in any of the cases referred to in the provision of section-77, the Chief Municipal Executive Officer/ Municipal Executive Officer not covered shall forthwith communicate the circumstances of such payment to the budget grant.

Proced ure when money by

Empowered Standing Committee, and, thereupon, the Empowered Standing Committee may take, or recommend to the Municipality to take, such action under the provisions of this Act as may appear to it to be feasible and expedient for covering tire amount of such payment.

79. (1) On a requisition, in writing, by the State Government, the Empowered ary Payment Standing committee may, at any time, retired the Chief Municipal Executive Municipal Fund Officer/ Municipal Executive Officer to undertake the execution of any work in so far as such payment be made without unduly interfering with the regular work of the Municipality.

Tempor from for wor in public

(2) The cost of all work so executed, and the proportionate establishment charges for executing such work, shall be paid by the State Government and credited to the Municipal Fund.

(3) On receipt of a requisition under sub-section (1), the Empowered Standing Committee shall forthwith forward a copy thereof to the Municipality together with a report of the steps taken in pursuance of the said requisition.

80. Notwithstanding anything contained elsewhere in this chapter, the Municipality may, with the approval of the State Government, authorize limits

Power to i the of limits

81. (1)Notwithstanding anything contained elsewhere in this chapter, the State Government may, by order, require the Municipality to earmark a particular portion of the Municipal Fund or a particular grant or apart thereof, or any item of the Municipality under this Act or any part thereof, to be utilized exclusively for such purpose related to municipal functions as may by specified by the State Government, and it shall be the duty of the Municipality to act accordingly.

Exclusi ve use of rec

(2) The State Government may, for carrying out the purposes of sub-section (1), make rules for different classes of Municipalities.

Operation accounts.

82. Subject to the other provisions of this Act, payment from the Municipal Fund shall be made in such manner as may be determined by regulations, and the heads of accounts referred to in section-75 shall be operated by such officers of the Municipality as may be authorized by the Municipality by regulations.

Investment surplus moneys.

83. (1) Surplus moneys standing at the credit of any of the heads of account of the Municipal Fund which are not required, either immediately or at any early

date, to be applied for the purposes of this Act by the Municipality, may, in accordance with such regulations as may be made by the Municipality in this behalf be transferred by the Municipality, either in whole or in part, to any other head of account of

the Municipal Fund:

Provided that no such money shall be transferred permanently from any of the heads of accounts to any other head of account without the previous approval of the Municipality:

Provided further that such surplus moneys standing at the credit of the Commercial Projects Account of the Municipal Fund shall not be transferred to the General Account of the municipal Fund.

(2) Surplus moneys which are not transferred under sub-section (1) may be invested in public securities or small savings schemes, approved by the State Government, or deposited at interest with such scheduled bank as may be determined by the Empowered Standing Committee.

(3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

Chapter-Xl

Budget Estimates

Prepara tion of budget Estimate of Municipality.

84. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall prepare in each year a budget estimate along with an establishment schedule of Municipality for the ensuing year, and such budget estimate shall be an estimate of the income and expenditure of the Municipality.

(2) Subject to the provisions of section 10 and subsection (2) of section 75, the budget estimate shall separately state the income and the expenditure of the Municipality to be received and incurred in terms of the various heads of accounts.

(3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Municipality in the year next following.

(4) The budget estimate shall state the amount of money to be raised as loan during the year next following.

(5) The Chief Councillor shall present the budget estimate to the Municipality on the 15th day of February in each year or as soon thereafter as possible.

(6) The budget estimate shall be prepared, presented and adopted in such Form and in such manner, and shall provide for such matters, as may be prescribed.

(7) The annual statements prepared under sub-section (2) of section 107 and sub-section (1) of section 1 19 together with the reports prepared under subsection(1) of section 85 and under sub-section (2) of section 278 shall be enclosed with the budget estimate.

85. (1) Tire Chief Municipal Executive Officers/ Municipal Executive Officer shall, on Services while preparing the budget estimate, append thereto a report indicating whether Report Provided at the Subsidized Rate. following services are being provided at a subsidized rate and, if so, the zed extent of the subsidy, the reasons therefore, the source from which the subsidy is being met, and the sections or categories of the local population who are the beneficiaries of such subsidy, namely:-

(a) water-supply and disposal of sewage, and
(b) Scavenging, transporting and disposal of solid wastes.

Explanation.-A service shall be construed as being provided at a subsidized rate if its total cost, comprising the expenditure on operation and for debt serving, exceeds the income relating to the rendering of that service.

(2) The Empowered Standing Committee shall examine the report referred to in sub-section (1) and place the same before the Municipality with its recommendations, if any.

86. (1) The Municipality shall consider the budget estimate and the n of budget recommendations, if any of Empowered Standing Committee thereon, and shall, Sanction Estimate of by the fifteenth day of N{arch in each year, adopt the budget estimate for the Municipality. ensuing year with such changes as it may consider necessary, and submit the budget estimate so adopted to the Director of Local Bodies.

(2) The budget estimate received by the Director of Local Bodies, as the case may be, under subsection (1) shall be returned with or without modifications of the provisions relating to subventions by the State Government.

(d) Cause physical verification of any stock of articles in course of examination of accounts.

(4) The Auditor, or the officer subordinate to him, may report any item of accounts contrary to the provisions of this Act to the Empowered Standing Committee.

(5) The Empowered Standing Committee shall consider the report of the Auditor as early as possible and shall, if necessary take prompt action thereon, and shall also, if necessary surcharge the amount of any illegal any person responsible therefore the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into account by such person, and shall, in every such case, certify the amount due from such person:

Provided that any person aggrieved by an order of payment of certified sums any appeal to the State Government whose decision on such appeal shall be final.

(6) Any person who wilfully neglects, or refuses to comply with, the requisition made by an Auditor, or the officer subordinate to him, shall, on conviction by a Court, be punishable with fine in respect of item included in the requisition. The fine may be fixed by the Govt. from time to time.

94. (1) As soon as practicable after the completion of audit of the accounts of Auditor shall prepare a report of the accounts audited and examined and shall Audit report. the M

send such report to the Chief Municipal Executive Officer/ Municipal Executive Officer.

(2) The Auditor shall include in such report a statement showing.

a. every payment which appears to the Auditor to be contrary to law.
b. the account of any deficiency or loss, which appears to have been caused by gross negligence or misconduct of any person.
c. the account of any sum received which ought to have been, but has not been, brought into account by any person, and
d. any other material impropriety or irregularity in the accounts.

placing of Audited Accounts before Municipality.

95.(1) The chief Municipal Executive officer/ Municipal Executive officer shall place the audited financial statement, the balance sheet and the report of the Auditor and his comments thereon before the Empowered Standing Committee which, after the examination thereof, shall place them before the Municipality with its comments" if any.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall remedy any defect that has been pointed out by the Auditor in his report.

Submission audited Accounts.

96. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, after adoption of the financial statement and the balance sheet and the report of the Auditor by the municipality, forward the same to the State Government together with a report of the action taken thereon by the Municipality and shall also send copies thereof to the Auditor.

(2) If there is any difference of opinion between the Auditor and the Municipality or if the Municipal does not remedy the defects or the irregularities mentioned in the report of the Auditor within a reasonable period, the Auditor shall refer the matter to the State Government whose decision thereon shall be final and binding.

Power of State Government to enforce audit report.

97. If any order made by the State Government under this chapter is not complied with, it shall be lawful for the State Government to take such steps as it thinks fit to secure the compliance of the order and to direct that all expenses order upon therefore shall be defrayed from the Municipal Fund.

Special audit.

98. In addition to the audit of annual accounts' the State Government or the Municipality may if it thinks fit appoint an Auditor to conduct special audit pertaining to a specified item or series of items requiring thorough examination, and the procedure relation to audit shall apply mutatis mutandis to such special audit.

Internal audit.

99. The State Government or Municipality may provide for internal audit of the day to day accounts of the Municipality by the auditor appointed in this behalf by the State Government in the manner as may be prescribed.

Municipal Accounts Committee.

100. (1) The Municipality shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.

(2) The Municipal Accounts Committee shall consist of-

a. such number of members, not being less than 3 and not more than 5

as the Municipality may determine, to be elected by the Councillors not being the members of the empowered Standing Committee, from amongst themselves and

b. such number of persons, not being Councillors or officers or other employees of the Municipality and not exceeding two in numbers, having knowledge in financial matters, as may be nominated by the Municipality.

(3) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairperson.

(4) Subject to the other provisions of this Act the members of the Municipal Accounts Committee shall hold office until a new Municipal Accounts Committee is constituted.

(5) The manner of submission of resignation by the Chairperson or any other member, and the manner of filling up of a casual vacancy in the office of a member, of the Municipal accounts Committee shall be such as may be prescribed.

(6) Subject to the provisions of this Act and the rules and the regulations made thereunder it shall be the duty of the Municipal Accounts Committee-

(a) to examine the accounts of the Municipality showing the appropriation of sums granted by the Municipality for its expenditure and the annual financial accounts of the Municipality,

(b) to examine and scrutinize the report on the accounts of the Municipality by the Auditor appointed under section 92 and to satisfy itself that the moneys shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they were applied or charged and that the expenditure was incurred in accordance with the authority governing such expenditure,

(c) to submit report to the Municipality every year and from time to time on such examination and scrutiny,

(d) to consider the report of the Auditor appointed under section 98 in cases where the State Government or the municipality requires him to conduct a special audit of any receipt or expenditure of the Municipality or to examine the accounts of stores and stocks or the Municipality or to check

the inventory of the properties of the Municipality including its land holdings and buildings ; and

(e) to discharge such other functions as may be prescribed.

(7) The Municipal Accounts Committee may call for any book or document if, in its opinion, such book or document is necessary for its work and may send for such officers of the Municipality as it may consider necessary for explaining any matter in connection with its work.

(8) The manner of transaction of business to the Municipal Accounts Committee shall be such as may be determined by regulations :

Provided that the persons nominated under clause (b) of sub-section (2) shall not have the right to vote at the meeting of the Municipal Accounts Committee.

Chapter-XIII

Municipal Property

power to acqu

101. The Municipality shall, for the purposes of this Act, have the power to acquire, by gift, purchase or otherwise, and hold, movable and immovable properties or any interest therein, whether within or outside the limits of the municipal area.

and hold.

Vesting of propert

102. Notwithstanding anything contained in any other law for the time being in force, the movable and the immovable properties of the following categories within the limits of a municipal area, not belonging to any

Government department or statutory body or corporation shall vest in the Municipality, unless the State Government directs otherwise by notification, namely:-

(a) all vested public lands not belonging to any Government department or statutory body or corporation,
(b) all public tanks, streams, reservoirs, and wells,
(c) all public markets and slaughterhouses,
(d) all public sewers and drains, channels, tunnels, culverts and watercourses, alongside, or under, any street,
(e) all public streets and pavements, and stones another materials thereon, and also trees on such public streets or pavements not belonging to any private individual,
(f) all public parks and gardens, including squares and public open spaces, (g) all public ghats on rivers or streams or tanks,
(h) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto,
(i) All public places for disposal of the dead, excluding those governed by any specific law in this behalf,
(j) all solid wastes collected on a public street or public place, including dead animals and birds, and
(k) all stray animals not belonging to any private person.

Acquisition property Municipality agreement, exchange, lea grant, etc.

103. (1) The Municipality may, on such terms and conditions as may be approved by it, acquire by agreement-

(a) any immovable Property, and
(b) any easement affecting immovable property

(2) The Municipality may also acquire any property by exchange on such terms and conditions as may be approved by it.

(3) The Municipality may also hire or take on lease immovable property on such terms and conditions as may be approved by it from time to time.

(4) The Municipality may receive any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which the Municipality may be benefited in the discharge of any of its functions.

(5) It shall be for the Municipality to be the beneficiary of any trust created under the Charitable and religious Trusts Act, 1920, or the Indian trusts Act, 1882.

Comp

104. (1) When any land, whether within or outside the limits of the municipal

ulsory area. or any easement affecting any immovable property vested in the

Acqui

sition of land.

Municipality is required for any public purpose under this Act, the State Government may, at the request of the Municipality, proceed to acquire such land or easement under the Land of Acquisition Act,1894.

(2) The Municipality sha11 be bound to pay to the State Government the cost including all charges in connection with the acquisition of the land under the Land Acquisition Act, 1894.

(3) The Municipality may resort to other methods of land assembly including the use of transferable development rights.

Special provisi lands adjoini

105. Whenever the Municipality makes a request to the State Government for

by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

106. Any property belonging to the Municipality may be disposed of in the manner hereinafter provided, namely:- Disposal of property.

(a) the Empowered Standing Committee may sell, or grant lease or, otherwise dispose of, by public auction, any movable property, and may grant lease of, or let out on hire, any immovable property, belonging to the Municipality,

(b) the Municipality may, with the poor approval of the State Government, for valuable consideration, seller otherwise transfer, any immovable property belonging to the Municipality which is not required for carrying out the purposes of this Act, and

(c) the Municipality shall not transfer any immovable property vested in it by virtue of this Act, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made thereunder:

Provided that the State Government may authorize, in the public interest, the disposal of such immovable property buy the Municipality, if the Municipality so requires. for reasons to be recorded in writing.

Explanation.- " valuable consideration' shall, in relation to any immovable property, mean anything of considerable value in terms of money or property given in lieu of transfer by way of sale or otherwise, of such immovable property.

107. (1) The Empowered Standing Committee shall maintain a register and a map of all the immovable properties of which the Municipality is the owner or which vest in it, or which the Municipality holds in trust with the Government, and a register of all movable properties belonging to the Municipality. Inventory properties Municipality.

(2) The Empowered Standing Committee shall. in the case of the inventory of an immovable property, prepare an annual statement indicating the changes, if any, in the said inventory and shall place the same before the Municipality along with the budget estimate.

Chapter - XIV

Borrowings

108. The State Government shall frame a comprehensive debt limitation policy applicable in the case of loans, including short- term loans, to be raised by the Municipalities. laying down, inter alia, the general principles governing the raising of loans by the Municipalities, the limit of the loans which any Municipality may raise having regard to its financial capacity, the rate of interest to be paid for such loans, and the terms and conditions, including the period of repayment thereof. Comprehensive debt limitation policy.

109. (1) The Municipality may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Municipality, a loan within the limits set by the Municipality to raise comprehensive debt limitation policy framed under section 108, by the issue of debentures or otherwise, on the security of the properly tax or of all or any of the other taxes, surcharges, cesses and fees and dues under this Act or of both the properly tax and all or any of the other taxes, surcharges, cesses and fees and dues under this Act, or on the guarantee by the State Government, of any sum of money which may be required for the purpose Power of Municipality to raise loan.

of
this Act namely:-

(a) construction of works
(b) Acquisition of lands
and building.

(c) paying off any debt due to the State Government,
(d) repayment of a loan raised
(e) acquisition of a public utility concern which renders such services as the Municipality is authorized to render
(f) purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Act, or
(g) any other purpose for which the Municipality is, by or under this Act or any other law forth time being in force, authorized to borrow:

Provided that any loan proposed to be raised which goes beyond the limits set by the comprehensive debt limitation policy as aforesaid shall require the previous sanction of the State Government in regard to its purpose, the quantum. the rate of interest and the period for repayment, and the other terms and conditions, if any:

Provided further that in addition to the loans as aforesaid, the Municipality may also take loan from the State Government or any statutory body or public sector corporation.

(2) When any loan has been raised under subsection (1),-

(a) no portion thereof shall- without the previous sanction of the State Government, be applied to any purpose other than that for which it has been raised, and
(b) no portion of any loan raised for any of the purposes referred to in that sub-section shall be applied to the payment of salaries or allowances to any officer or other employee of the Municipality, other than those who are exclusively employed for the purpose for which the loan has been raised.

Explanation: - The expression “dues under this Act" in sub-section (1) shall, for the purpose of clause (e) of that sub-section, be deemed to include the income derivable from the public utility concern referred to in that clause.

110. Notwithstanding anything contained in section 109, the Municipality may, Power
may be approved by the State Government, from any scheduled bank, bank.

to be kept in a cash account bearing the name of the Municipality to the extent of such loan or any part thereof and, with the sanction of the State Government, may grant mortgage of all or any of the properties vested into the Municipality by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

111. Notwithstanding anything contained in this chapter, the Municipality may, Power

period not exceeding twelve months, from any other scheduled bank, for such purpose, not being a purpose referred to in subsection (1) of section 109, on such terms, and on furnishing such security for the repayment of such loan. as ma be approved by the State Government.

112. The Municipality shall establish a Sinking Fund in respect of each loan Establishment
raised under section 109 for the repayment of moneys borrowed, or debentures

Sinking Fund. issued and shall in every year, pay into such Sinking Function such sum as shall, be sufficient for the repayment within the period fixed for the loan, of the money borrowed or the debentures issued.

113. A Sinking Fund or any part thereof shall be applied to discharge of the loan

Application of or a part of the loan for which such Fund was created and, until such loan or par

Sinking Fund.

thereof is wholly discharged, such Fund shall not be applied to any other purpose.

Power to discontinue paymen t towards Sinking Fund.

114. It at any time, the sum standing at the credit of a Sinking Fund established under section 112 for the repayment of any loan is of such amount that is allowed to accumulate at the rate of interest sanctioned under the first proviso to sub-section (I) of section 109, it will be sufficient to pay off the loan within the period approve by the State Government under the said proviso, further payments towards such fund may be discontinued.

Investm ent of amount at the credit of Sinking Fund.

115. (1) All moneys paid into a Sinking Fund shall, as such as possible, be invested by the Empowered Standing Committee in –

(a) Government securities, or

(b) securities guaranteed by the Central Government or any State Government, or

(c) debentures issued by the Municipality, or

(d) such other public securities as may approved by the State Government, (e) and such other securities as may be held byte Municipality for the purpose of repayment of loans from time to titre raised by it by issue of debentures or otherwise.

(2) All dividends and other sums received in respect of any investment under sub-section (1) shall, as soon as possible after their receipt, be paid into the Sinking Fund and shal1 be invested in the manner laid down in that sub-section.

(3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Empowered Standing Committee, be invested together as a common fund, and it shall not be necessary for the Empowered Standing Committee to allocate the securities held in such investments to the several Sinking funds.

(4) Subject to the provision of sub-section (1), any investment made under this section may, from time to time, be varied or transposed.

Power to debentu res, issued for investm ent.

116. (1) For the purpose of investment of any portion of the Municipal Fund, limitation policy framed under section I 08, reserve and set apart any portion of such debentures for issue at par thereto in the name of the Municipality provided raising loan, for that the intention so to reserve and set apart such debentures shall have been notified as a condition of raising the loan.

(2) The issue of any debentures by the Municipality under sub-section (1) shall not operate to extinguish or cancels such debentures, but issued to, and in the name of, any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Municipality of any debenture issued by it shall not operate to extinguish or cancel such debenture and every such debenture shall be valid and negotiable in the same manner and to the same extent as if it were held by or transferred, assigned or endorsed to, any other person.

Manner of Repayment of loans.

117. Every loan raised by the Municipality under section 109 shall be repaid within the rime approved under that section and such repayment shall be made either from a Sinking Fund established under section 112 in respect of such loan or partly from such Sinking fund and, to the extent or which such Sinking Fund falls short of the sum required for the repayment of such loan, partly from the loan raised for the purpose under section 109, as may be approved by the State Government.

Form and effect of debentures.

118. All debentures issued under this chapter shall be in such Form, and shall be transferable in such manner, as the Municipality may, by regulations, determine and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof from the time, being without any preference by reason of some such debentures being prior in date to others.

Annual statement.

119. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, at the end of every year, prepare, and submit to the Municipality, an annual statement showing –

(a) the amount which has been paid into the Sinking fund or Sinking Funds during the year under section 1 12,
(b) the date of the last investment made during the year,
(c) the aggregate amount of the securities in the hand of the Municipality at the end of the year, and
(d) the aggregate amount which has been applied for the purpose of repayment of the loan under section 115.

(2) A copy of every such annual statement shall be submitted to the State Government by the Chief Municipal Executive Officer Municipal Executive Officer.

Annual examination of Sinking Funds.

120. (1) All Sinking Funds established under this Act shall be subject to annual examination by the Auditor appointed under section 92 who shall ascertain whether the cash and the value of securities belonging to such Sinking Funds.

Sinking funds are equal to the amount which should be at the credit of such Sinking Funds, had the investment under section 115 been regularly made and had the interest accruing from such investments been regularly obtained.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums paid into such Sinking Fund under section 112.

(3) The value of securities belonging to a Sinking Fund shall be the current value of such securities unless such securities become due for redemption at par with, or above, their face value before maturity in which case their current value shall be taken as their redemption value, except in the case of the debentures issued by the Municipality which shall always be valued at par with their face value, provided the Municipality shall make good immediately any loss owing to the sale of such debentures for repayment of the loan raised under sub-section (1) of section 109.

(4) The Municipality shall forthwith pay into a Sinking Fund such amount as the Auditor appointed under section 92 may certify to be deficit in respect of such Sinking Fund, unless the State Government specially sanctions a gradual readjustment of such deficit.

(5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at the credit of such Sinking Fund, the Auditor appointed under section 92 shall certify the amount of such excess sum, and the Municipality shall, thereupon, transfer the excess sum into the Municipal Fund General Account.

(6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Municipality may, after payment of such deficit or after transfer of such excess" as the case may be, refer the matter to the State Government whose decision thereon shall be final.

121. (1) The Municipality may borrow money from the State Government for carrying out the purposes of this Act on such terms and conditions as the State Government may determine. Power Municipality borrow money from State Government

(2) if any money borrowed by the Municipality from the State Government before attachment of the commencement of this Act or under subsection (1) is not repaid, or any interest due in respect thereof is not paid, according to the terms and conditions of such borrowing, the State Government may attach the Municipal Fund or any and Municipal fund for recovery of such money. portion the

(3) After such attachment, an officer as may be appointed in this behalf by the State Government shall deal with the Municipal Fund, or any portion thereof, so attached, in such manner as ire thinks fit and may do all acts in respect thereof which any municipal authority or an officer or other employee of the Municipality might have done under this Act, if such attachment had not taken place, and may apply such Municipal Fund or the portion thereof, as the case may be, for payment of the arrear of the principal amount and the interest incurred on account of the attachment and subsequent proceeding :

Provided that no such attachment shall defeat or prejudice any debt for the recovery of which the Municipal fund was previously charged under any law for the time being in force, and all such prior debt shall be paid out of the Municipal Fund before any part thereof is applied for repayment of the money borrowed from the State Government.

122. Subject to such guidelines and procedure as the Central Government may lay down from time to time and with the previous approval of the State Issue of Municipal Bonds

123. (1) A Municipality shall, if and when required forth purpose of raising funds Credit rating Bonds by a Credit Rating Agency, duly approved by the Central Government or the State Government, as the case may be, in this regard.

(2) The Municipality shall provide to the Credit Rating Agency such information as it may require.

124. The Municipality may pledge its movable and immovable assets including Bonds. Pledging

125. The Municipality may set up a Debt Service Reserve Fund by providing from Municipal Bonds to service bond-holders in case of default in payment of principal and interest for a period not exceeding two years. Debt Serv

126. If and when required, tire Municipality may, for the purpose of issuing Projections. Limit

127. The fund to be raised from the Municipal Bonds shall be used for capital e of proceeds investment for development of urban infrastructure in the spheres of water- Us

Fro

m Municipal supply, sewerage, solid waste management, markets, roads, bridges, and urban

Bo

nds.

transport, and for reforming and improving the efficiency of existing systems of municipal administration and for repayment of loans for the aforesaid purposes raised through earlier issues of municipal bonds or otherwise.

MUNICIPAL REVENUE

Chapter-XV

Sources of internal Revenues

Internal revenues of Municipal.

128. The internal revenues of the Municipality shall consist of its receipts from tire following sources:-

(a) taxes levied by the Municipality,

(b) user charges levied for provision of civic services, and

(c) fees and fines levied for performance of regulatory, and other statutory functions.

Power to levy taxes.

129. (1) Subject to the provisions of section 10, the Municipality shall have, for the purposes of this Act, the power to levy the following taxes:

a. property tax on lands and buildings,

b. Surcharges on transfer of lands and buildings,

c. tax on deficit in parking spaces in any non-residential building,

d. water tax,

e. fire tax,

f. *[…deleted]

g. surcharge on entertainment tax,

h. surcharge on electricity consumption within tire municipal area,

i. tax on congregations,

j. tax on pilgrims and tourists, and

k. toll-

i. on roads, bridges and ferries, and

ii. on heavy trucks which shall be heavy goods vehicles, and buses, which shall be heavy passenger motor vehicles, within the meaning of the Motor Vehicles Act, 1988, plying on a public street.

**[the entries 'tax on advertisements, other than advertisements published in newspapers' has been deleted by the AP Goods and Services Tax Act,2017,Act No 7 of 2017.s.173(1)]*

(2) Subject to the prior approval of the State Government, the Municipality may, for raising revenue for discharging its duties, and performing its functions, under this Act, levy any other tax which the State Legislature has the power to levy under the Constitution of India.

(3) The levy, assessment and collection of taxes under this Act shall be in accordance with the provisions of this Act and the rules and the regulations made there under.

Power to Levy of charges.

130. The Municipality shall levy under charges for-

i. provision of water-supply, drainage and sewerage,

ii. solid waste management,

iii. parking of different types of vehicles in different areas and for different Periods,

iv. stacking of materials or rubbish on public streets for construction, alteration, repair or demolition work of any type, and

v. other specific services rendered in pursuance of the provisions of

this Act, at such rates as may be determined from time to time by regulations:

Provided that a Municipality may, having regard to the conditions containing in the municipal area, decide not to levy, or postpone the levying of, any of the user charges as aforesaid :

Provided further that the State Government may direct the Municipality to levy any of the user charges as aforesaid, not levied, or postponed byte Municipality.

Power to Levy fees and fines.

131.TheMunicipalityshallhavethepowertolevyfeesand fines in exercise of the regulatory powers vested in it by or under this Act or the rules or the regulations made there under for-

(a) sanction of building plans and issue of completion certificates,

(b) issue of municipal licenses for various non-residential uses of lands and buildings,

(c) licensing of –

i. various categories of professionals such as Plumbers and surveyors,

ii. various activities such as sinking of tube, wells, sale of meat, fish or poultry, or hawking of articles.

iii. animals,

iv. carts or carriages" and

v. such other activities as require a licence or permission under the provisions of this Act, and

(d) issue of birth and death certificates.

Levy surcharge on tax or fee.

132. The Municipality may levy a surcharge on a tax, or user charge, or fee on a premises used for non-residential purposes at such rate. being not less than twenty five per cent and not more than seventy five per cent, of such tax, user charge or, fee, as the case may be, as may be determined by regulations.

Power to levy development charge.

133. The Municipality may levy such development charge as may be determined by regulations, from time to time, on any residential building with a height of more than fourteen meters, or any non-residential building, having regard to its location along a particular category of street, its use characteristics, and sanctioned built up area.

Realization of tax, cess, fees, etc. under any other law.

134. The Municipality may, if so authorized by any other law for the time being in force, realize any tax, development charge, cess, or fee, imposed under that law, or any dues payable under that law, in accordance with the provisions thereof.

Chapter - XVI

Tax on Lands and Buildings and related taxes other than property Tax

Levy of surcharge on transfer of land and buildings.

135. (1) The Municipality may levy a surcharge on the transfer of lands and buildings situated within the municipal area as a percentage of stamp duty levied on such transfer under the Indian Stamp Act, 1999.

(2) The rate of surcharge, and the manner of-

a. collection of surcharge.

b. payment of surcharge to the Municipality, and

c. deduction of the expenses, if any, incurred by the State Government in course of collection of surcharge, shall be such as may be prescribed.

136. (1) The Municipality may, by regulations, levy a tax on the deficits in the provision for parking spaces require for different types of vehicles in any non-residential building. Tax on deficits of parking spaces in n residential buildings.

(2) The amount of tax sha11 be determined by multiplying the quantum of such deficit in the area of parking spaces by the unit area value of land in the case of open parking spaces or by the unit area value of covered space oaf building in the case of covered parking spaces, as the case may be, as determined for the levy of property tax under this Act.

137. The Municipality may levy a water tax on any land or non-residential building as a percentage of properly tax as may be specified by regulations. Water tax.

138. The Municipality may levy a fire tax on any building as a percentage of property tax as may be specified by regulations : Fire tax.

Provided that a surcharge may be levied on such fire tax at such rate as may be specified by regulations for any non-residential building.

Chapter-XV[
Tax on advertisements other than advertisements in Newspapers and Licence fees for advertisement spaces

139. (1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon sign or sky-sign any advertisement, or display any advertisement to public view in any manner whatsoever (including any advertisement exhibited by means of cinematograph), visible from a public skeet or public place, in any place within the municipal area without the permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer. Prohibition Advertisements Without wri permission of the Chief Municipa Executive Officer/ Municipal Executiv Officer.

(2) The Chief Municipal Executive Officer/Municipal Executive Officer shal1 not grant such permission, if-

(a) a licence for the use of the particular site for the purpose of advertisement has not been taken, or

(b) the advertisement contravenes any provisions of this Act or the ru1es or the regulations made thereunder or

(c) the tax, if any, due in respect of the advertisement has not been paid.

(3) No person shall broadcast any advertisement, on radio or television, without the permission, in writing, of the Chief Municipal Executive Officer/Municipal Executive Officer.

140. (1) Except under, and in conformity with, such terms and conditions of a for use of license as the Municipality may, by regulations, provide, no person being the purpose of owner lessee, any site in any land, building or wall, or erect, or allow to be erected, on any site any hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign for the purpose of display of any advertisement. Licence site for advertis ement.

(2) For the purpose of advertisement, every person-

(a) using any site before the commencement of this Act, within ninety days from the date of such commencement, or

(b) intending to use any site, or

(c) whose licence for use of any site is about to expire,shall apply for a licence or renewal of licence, as the case may be, to the Chief Municipal Executive Officer/ Municipal Executive Officer in such Form as may be specified by the Municipality.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, after making such inspections may be necessary and within thirty days of the receipt of the application, grant or renew a licence, as the

case may be, on payment of such fee as maybe determined by regulations, or refuse or cancel licence, as the case may be.

(4) The Chief Municipal Executive Officer/Municipal Executive Officer may, if, in his opinion, the proposed site for any advertisement is unsuitable from the considerations of public safety, traffic hazards or aesthetic design, refuse to grant a licence, or renew any existing licence, within thirty days of the receipt of the application.

(5) Every licence shall be for a period of one year exception the case of sites used for any temporary congregation of whatever nature including fairs, festivals, circus, yatra, exhibitions, sports events, or cultural or social programmes.

(6) The Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained a register wherein the licence issued under this section shall be separately recorded in respect of advertisement sites-

(a) on telephone, telegraph, tram, electric or other posts or poles erected on or along public or Private streets or Public Places,

(b) in lands or buildings, and

(c) in cinema-halls, theatres or other places of public resort.

Tax advertisement.

141. (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign any advertisement, or displays any advertisement to public view in any manner whatsoever (including any advertisement exhibited by means of cinematograph), visible from a public street or pubic place in any location in a municipal area including an airport or a port or a railway station, shall for every advertisement, which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rate as may be determined by regulations :

Provided that a surcharge, not exceeding fifty per cent of the rate of tax as aforesaid, may be imposed on any advertisement on display in any temporary congregation of whatever nature including fairs, festivals, circus, yatra, exhibitions, sports events, or cultural or social programmes.

(2) Notwithstanding anything contained in subsection(1), no tax shall be levied under this section on any advertisement which-

(a) relates to a public meeting or to an election to Parliament or the State Legislature or the Municipality or any other local authority or to candidature in respect of such election, or

(b) is exhibited within the window of any building, if the advertisement relates to any trade, profession or business carried on in the building, or

(c) relates to any trade, profession or business carried on within the land or the building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on, upon or in such land or building, or

(d) relates to the name of the land or the building upon or over which the advertisement is exhibited or the name of the owner or the occupier of such land or building, or

(e) relates to the business of any airport or port or railway administration, and is exhibited within such airport or port or railway station or upon any wall or other property of an airport, port or railway station, or

(f) relates to any activity of the Central Government or the State Government or any local authority.

(3) The tax on any advertisement leviable under this section shall be payable in advance in such instalments, and in such manner, as may be determined by regulations;

Provided that the Municipality may under such terms and conditions of licence as may be determined by regulations under section 140, require

the licensee to collect, and to pay to the Municipality" subject to a deduction of five per cent of the tax, to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which the licence has been granted.

142. Any permission under section 139 shall be void,- Permission of Chief Municipal Executive Officer Municipal Executive Officer to be void in certain cases.

(a) if the advertisement contravenes the provisions of any regulations made under this Act, or

(b) if any material change is made in the advertisement or any part thereof without the previous permission of the Chief Municipal Executive Officer/Municipal Executive Officer, or

(c) if the advertisement or any part thereof falls otherwise than by accident, or

(d) if, due to any work by the Central Government, the State Government, or the Municipality, or by any statutory authority, the advertisement is required to be displaced.

143. Any licence granted under section 140 shall be void,- Licence for use of site certain hoarding, vehicle" neon-sign or sky-sign over which the advertisement is erected, exhibited, fixed or retained or demolished or destroyed.

(a) upon or over which the advertisement is erected, exhibited, fixed or retained, or

(c) If the land, building, wail, hoarding, frame, post, kiosk, structure,

144. Where any advertisement has been erected, exhibited, fixed or retained upon in case of contravention. Presumption

upon or over any land, building, wall, hoarding, frame, post. kiosk, structure, vehicle, neon sign or sky-sign or displayed to public street or public place in contravention of the provisions of this Act or the regulations made there under it shall be presumed, unless the contrary is proved, that the contravention has been made by the person or persons on whose behalf the advertisement purports to be or the agents of such person or persons.

145. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Actor the regulations made thereunder, the Chief Municipal Executive Officer/ Municipal Executive Officer may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, fixed or retained to take down or remove such advertisement or may enter any land, building or other property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened. Power of the Chief Municipal Executive Officer/ Municipal Executive Officer in case of contravention.

Explanation I. - The word “structure" in this chapter shall include any movable board on wheels used as on advertisement or advisement medium.

Explanation II.- The word "advertisement", in relation to a tax on advertisement under this Act, shall mean any word, letter, model, sign, neon-sign, sky-sign, placard, notice, device or representation, whether

illuminated or not, in the nature of, and employed wholly or in part for the purposes of, advertisement, announcement or direction.

Removal of poster, hoarding, etc.

146. Notwithstanding any other action that may be taken against the owner or the occupier of any land or building, upon or over which there is any hoarding, frame, post, kiosk, structure, vehicle, neon- sign or sky-sign for erecting any advertisement in contravention of the provisions of this Act or the regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, the Chief Municipal Executive Officer Municipal Executive Officer may, for removal and storage of such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, realize from such person such charges as may be fixed by the Empowered Standing Committee from time to time.

Chapter-XVlII

Other Taxes and Tolls

Surcharge on tax on entertainment.

147. (1) Subject to the approval of the State Government, the Municipality may levy a surcharge on any tax levied by the State Government on any entertainment or amusement within tire municipal area.

(2) The rate of surcharge and the manner of-

(a) collection of the surcharge,
(b) payment of the surcharge to the Municipality, and
(c) Deduction of the expenses, if any, incurred by the State Government in course of collection of the surcharge, shall be as may be prescribed.

Surcharge electricity consumption.

148. Subject to the approval of the State Government, the Municipality may levy a surcharge on consumption of electricity within the municipal area at such rates as may be prescribed.

Tax on tourists and congregations.

149. (1) The Municipality may levy a tax per head or per vehicle for providing municipal services to persons or vehicles visiting the municipal area for the purpose of tourism or in connection with any congregation of whatever nature, including pilgrimage, fair, festival, circus or yatra, within a municipal area for persons or vehicles assembling within the municipal area for the purpose :

Provided that such tax shall not be levied for persons or vehicles passing through the municipal area.

(2) The tax for the purposes of sub-section (1) shall be as may be determined by the Municipality from time to time and shall not exceed the levy on passengers therein.

(3) The Municipality may make regulations specifying the occasions on which such levy may be imposed and the rate of levy, the mode of collection, and the other matters incidental thereto.

Toll on roads.

150. The Municipality may, with tire sanction of the State Government, establish a toll-bar on any public street in the municipal area and levy a toll at such toll-bar on vehicles at such rate as may be determined by the State Government from time to time.

Toll on bridges.

151. (1) The Municipality may, with the sanction or the Stare Government, establish a toll-bar, and levy tolls, on any bridge at which tolls may be levied on vehicles, carriages and carts passing over such bridge:

Provided that no such toll-bar be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in

construction of such bridge together with interest on such expenses and in maintaining such bridge in good repair.

(2) The State Government may, with the consent of a Municipality make over to that Municipality any existing toll-bar on a bridge within the municipal area to be administered by the Municipality and, thereupon, the Municipality shall administer such toll-bar until the State Government directs otherwise. Every such toll-bar, while so administered, shall be deemed to be a municipal toll-bar, and the profits derivable there from or such parts thereof as shall be agreed upon between the State Government and the Municipality shall be credited to the Municipal Fund.

Toll on heavy truck and public bus, Declaration of ferries as municipal ferries.

152. (1) The Municipality may levy toil on heavy trucks and buses referred to in sub-clause (ii) of clause (1) of sub-section (1) of section 129, plying on a public street.

(2) The rate of toll for the purposes of sub-section (1) shall be such as may be determined by the Municipality by regulations from time to time.

(3) The Municipality may make regulations providing for the mode of collection of toll and other matters incidental thereto.

Declaration of ferries as municipal ferries.

153. (1) Where a ferry plies between two points on a watercourse and either one or both the points are situated within a municipal area, the State Government may, after considering the views of the concerned Municipality, declare such ferry to be a municipal ferry, and, thereupon, the profits derivable from the plying of such shall be credited to the Municipal Fund.

(2) Due compensation shall be given by the concerned Municipality to any person for the loss which he may have sustained as a result of a ferry being declared to be a municipal ferry.

Administration municipal ferries.

154. Subject to the provisions of any Central or State law, relating to the administration of public ferries, the Municipality shall specify by regulations-

(a) the terms and conditions for granting of lease of municipal ferries in favour of private parties,
(b) the rates of tolls to be established and published for such municipal ferries,
(c) the grounds for cancellation of ferry leases,
(d) the administration of a municipal ferry involving another Municipality or local authority,
(e) provisions for safety and convenience of passengers and goods,
and (f) Provisions for exemptions from payment of toll for municipal ferries in the case of authorized representatives and properties of the Central Government or the State Government or the Municipality.

Municipality to any collect tolls

155. (1) If, the State Government, at any time, declares that the provisions of law relating to canals or any other law for the time being in force are in force in any municipal area, that Government may with the consent of the concerned Municipality, appoint such Municipality to collect tolls in accordance with the provisions of such law until the State Government otherwise directs, and the profits derivable there from, or such part thereof as may be agreed upon between the State Government and the Municipality, shall be credited to the Municipal Fund.

(2) In every such case, the Municipality shall exercise all the powers vested in

the Collector under the law as aforesaid.

Chapter-XIX

Payment and Recovery of Taxes

A. Recovery of Taxes by Municipality

Manner of recovery of taxes under the Act.

156. Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be determined by regulations :-

(a) by presenting a bill, or
(b) be serving a notice of demand, or
(c) by distraint and sale of a defaulter's movable property, or
(d) by attachment and sale of a defaulter's immovable property, or
(e) in the case of property tax on any land or building, by attachment of rent due in respect of such land or building, or
(f) By a certificate under any law for the time being in force regulating the recovery of any dues as public demand.

Time and manner of payment of taxes.

157. (1) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such date, in such number of instalments, and in such manner, as may be determined by regulations.

(2) If any amount due is paid on or before the date referred to in sub-section (I), a rebate of five per cent of such amount shall be allowed.

Presentation of bill.

158. (1) When any tax has become due, the Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be presented to the person liable for the permanent thereof a bill for the amount due :

provided that no such bill shall be necessary in the case of-

(a) a tax on advertisements,
(b) a tax on tourists and congregations, and
(c) a toll :

Provided further that for the purpose of recovery of any tax by the preparation and presentation of a bill or notice of demand and the collection of tax in pursuance thereof, the Empowered Standing Committee may, with the approval of the Municipality, entrust the work tony agency under any law for the time being in force, or to any other agency, on such terms and conditions as may be specified by regulations.

Explanation I. - A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting or by courier agency or be electronics mail to the person liable for payment of the amount included in the bill, and, in such case, the date of certificate of posting, or the date on which it is delivered by date of certificate or by electronic mail shall be deemed to be the date of presentation of the bill to such person.

Explanation II. - "courier agency" shall mean any agency engaged in door delivery of time-sensitive documents, utilizing the services of a person, either directly or indirectly, to carry such documents.

Explanation III. - "electronic mail" shall include-mail or facsimile transmission.

(2) Every such bill shall specify the particulars of the tax and the period to which the bill relates.

159. To ensure payment and recovery of its tax dues, the Municipality shall, by

Regulations regarding payment and recovery of tax.

regulations, provide for-

(a) issue of notice of demand, charging of notice fee, levy of interest of delayed payment at a rate as may be specified, and the amount of penalty therefore,

(b) issue of warrant for attachment, distress, and sale of movable property for recovery of tax dues,

(c) attachment and sale of immovable property for recovery of tax dues, and (d) Recovery of dues from a person about to leave the Municipal area.

160. (1) For the purpose of recovery of property tax on any land or building from

Requirement of any occupier, the Chief Municipal Executive Officer Municipal Executive Officer

payment of rent by shall, notwithstanding anything contained in any State law relating to premises

occupier towards tax tenancy or any other law for the time being in force, cause to be served on such due on land or

occupier a notice requiring him to pay to the Municipality any rent due, or falling

building.

due, from him in respect of the land or the building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of such rent unless the portion of the sum due shall have paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom such rent is due, any sum paid by him to the Municipality in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the tax on land or building, he shall be entitled to recover from the person primarily liable for payment of such tax any amount for which credit is claimed.

(3) If any occupier fails to pay to the Municipality any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Municipality as an arrear of tax under this Act.

161. (1) If any money is due under this Act from the owner of any land or

Recovery of property tax on land and building

building on account of tax on such land or building or any other tax, expense or charge when due

g or any other unknown or the ownership thereof is disputed, the Municipal Executive Officer may publish twice, at an interval of not less than two months, a notification of such dues and

tax or owner of land or building

g is unknown of sale of such land or building for realization thereof, and may, after the expiry of not less than one month from the date of last publication of such notification, unless the amount recoverable last publication of such notification, unless the amount recoverable is paid, sale such land or building by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five per cent of the purchase money, and the balance thereof within thirty days of the date of sale.

Such notification shall be published in the Official Gazette and in local Newspapers and by displaying on the land or the building concerned.

(2) After deducting the amount due to the Municipality as aforesaid, the surplus sale proceeds, if any, shall be credited to the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer or a court of competent jurisdiction.

(3) Any person may pay the amount due at any time before the completion for the sale, whereupon the sale be abandoned. Such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or building.

Power of C Municipal Executive Officer/Municipal Executive Officer to prosecute or serve notice of demand.

162. (1) When any sum is due from any person on account of-

(a) Tax on advertisements other than the advertisements published in Newspapers. Or

(b) any other tax, fee or charge liveable under this Act, the Chief Municipal Executive Officer/ Municipal Executive Officer may either prosecute such person, if prosecution lies under the provisions of this Act, or cause to be served on such person a notice of demand in such Form as may be specified by regulations or in such other Form as the Chief Municipal Executive Officer/ Municipal Executive Officer may deem fit.

(2) The provisions of section 159 shall apply mutatis mutandis, to every such recovery of sum due.

163. The Municipality may, by order, strike off the books of the Municipality at any sum due on account of the property tax or any other tax or on any other account which may appear to it to be irrecoverable.

Cancellation of 163 Irrecoverable dues.

B. Recovery of Tax on Lands or Buildings by person Primarily Liable to pay to the Municipality

Apportionment property tax lands and buildings by person primarily liable to pay.

164. (1) Save as otherwise provided in this Act, the person primarily liable to pay the property tax in respect of any land or building may recover,-

(a) If there be but one occupier of the land or the building, from such occupier half of the tax so paid. and, if there be more than one occupier, from each occupier half of such sum as bears to the entire amount of tax so paid by the owner the same proportion as the value of the portion of the land or the building in the occupation of such occupier bears to the entire value of such land or building :

Provided that if there be more than one occupier, such half of the amount may be apportioned and recovered from each such occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building; and

(b) the entire amount of the surcharge on the property tax on any land or building from the occupier of such land or building who uses it for commercial or non-residential purposes :

Provided that if there is more than one occupier, the amount of surcharge on the property tax may be apportioned and recovered from each such occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building.

(2) Notwithstanding anything contained in subsection (1), if as a result of the determination of the annual value of any land or building and the imposition of the property tax thereon under this Act for the first time, there is an increase in the amount of tax payable in respect of such land or building from the amount of tax previously payable under this chapter, the person primarily liable to pay the property tax may recover the difference in the amount due to such increase from the occupier of such land or building.

165. If any person primarily liable to pay any property tax on any land or building

Mod

e of recovery. or surcharge thereon is entitled to recover part of such property tax or surcharge thereon from an occupier of such land or building, he shall have for recovery thereof the same rights and remedies as if such part of the property tax or the surcharge thereon were rent payable to him by such occupier.

Chapter-XX

Commercial Projects

Commercial pro

166. The Municipality may, either on its own or through public or private sector agencies, undertake the planning, construction, operation, maintenance or management of commercial infrastructure projects, including district centres, bus or truck terminals and tourist lodges with commercial complexes and any other type of commercial projects on commercial basis.

and receipts there f

URBAN ENVIRONMENTAL INFRASTRUCTURE AND SERVICES .

Chapter-XXI
Private Sector Participation Agreement and Assignment to other Agencies

Undertaking project Municipality or b other agency.

167. Notwithstanding anything contained elsewhere in this Act, but subject to the provisions of any State law relating to planning, development, operation, maintenance and management of municipal infrastructure and services, a Municipality may in the discharge of its functions specified in section 47, section 48, and section 49,-

(a) Promote the undertaking of any project for supply of urban environmental infrastructure or services by participation of a company, firm, society, trust or anybody corporate or any institution. or Government agency or any agency under any other law for the time being in force, in financing, construction, maintenance and operation of such project of a Municipality irrespective of its cost,

(b) consider and approve the undertaking of any project relating to urban environmental infrastructure or services by a company, or firm, or society or body corporate in terms of a private sector participation agreement or jointly with any such agency, and

(c) Consider and approve the undertaking of any project relating to urban environmental infrastructure or services by any institution, or Government agency under any other law for the time being in force, or jointly with any such agency.

168. (1) Private sector participation agreements shall be such as may be prescribed. Functions assigned to Municipality or other agencies.

(2) Without prejudice to the generality of the foregoing provisions of this section, such agreements shall include the following:

(a) Build-Own-Operate-Transfer Agreement,
(b) Build-Own-Operate Maintain Agreement,
(c) Build and Transfer Agreement,
(d) Build-Lease-Transfer Agreement,
(e) Build-Transfer-Operate Agreement,
(f) Lease and Management Agreement,
(g) Management Agreement,
(h) Rehabilitate-Operate-Transfer Agreement,
(i) Rehabilitate-Own-Operate Maintain Agreement,
(j) Service Contract Agreement, and
(k) Supply-Operate-Transfer agreement.

169. In the discharge of its obligations for providing urban environmental infrastructure and services in relation to water- supply, drainage and sewerage, solid waste management, communication systems and commercial infrastructure, the Municipality may, wherever considered appropriate in the public interest,-

(a) discharge any of its obligations on its own, or
(b) Enter into any private sector participation agreement.

Chapter – XXII

Water-Supply

A. General

170. In this chapter, unless the context otherwise requires'- Definitions.

(a) where the premises supplied with water abuts on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building, abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and such stopcock, and
(b) in any other case, so much of the service pipes lies between the main and the boundary of the street in which the main is laid, and includes the female at the junction of the service pipe with the main, and also includes, -

i. where the communication pipe ends at a stopcock, such stopcock, and ii. any stopcock fitted on the communication pipe between the end thereof and the main;

(2) "main" means a pipe laid by the Municipality for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in the connection with such Pipe;

(3) "service-pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water-pressure from that main, or would-be so subject but for the closing of any tap;

(4) "supply-pipe" means so much of any service pipe as is nor a communication pipe;

(5) "trunk-main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of such limits, or for the purpose of giving, or taking, a supply of water in bulk,

(6) "water-fittings" includes pipes (other than mains), taps cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

B. Functions in Relation to Water-supply

Duty of Municipality to supply water.

171. (1) It shall be the duty of the Municipality to rake steps, from time to time, either on its own or through any other agency,-

(a) to ascertain the sufficiency and wholesomeness of water supplied within the Municipal area,

(b) to provide, or to arrange to provide, a supply of wholesome water in pipes to every part of the Municipal area in which there are houses, for domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that the Municipality shall not be required to do anything which is not practicable at a reasonable cost or to provide such supply to any part of the Municipal area where supply is already available at such point or points, and

(c) to provide, as far as possible, supply of wholesome water otherwise than in pipes to every part of the Municipal area in which there are houses, for domestic purposes of the occupants thereof, and to which it is not practicable to provide supply in pipes at a reasonable cost, and in which danger to health may arise from the insufficiency or unwholesomeness of the existing supply and a public supply is required and may be provided at a reasonable cost, and to secure that such supply is available within a reasonable distance of every house in that part'

(2) If any question arises under clause (b) of subsection (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to such point or points at a reasonable cost, or, if any question arises under clause (c) of that sub-section as to whether a public supply may be provided at a reasonable cost, such question shall be decided by the Municipality.

172. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may,

Supply of water to on an application by the owner, lessee or occupier or any building' either on his

Connected own or through any other agency' arrange for supply of water from the nearest

premises.

main to such building for domestic purposes in such quantity as may be deemed to be reasonable and may' at any time., limit the quantity of water to be supplied whenever considered necessary:

Provided that the Chief Municipal Executive Officer/ Municipal Executive Officer may' by order in writing, delegate the responsibility of receiving the application to any other agency.

(2) For the water supplied under sub-section (1) payment shall be made at such rate as may be fixed by the Municipal from time to time:

Provided that such rate shall, as far as practicable, cover the costs on account of management, operation, maintenance, depreciation, debt servicing, and other charges related to waterworks and distribution costs, including distribution-losses, if any.

(3) A supply of water for domestic purposes shall be deemed not to include a supply-

(a) to any institutional building, assembly building, business building, mercantile building, industrial building, storage building, or hazardous building, referred to in clause (2) of section 339, or any part of such building, other than that used as a residential building, or educational building, within the meaning of sub-clause (a), or sub-clause (b), of clause (2) of that section,
(b) for building purposes,
(c) for watering roads and paths,
(d) For purposes of irrigation,
(e) for gardens, fountains, swimming pools, or for any ornamental or mechanical purpose, or
(f) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire.

Supply of water for non-domestic purpose s.

173. (l) The Chief Municipal Executive Officer Municipal Executive Officer or the other agency, as the case may be, may, on receiving an application, in writing, specifying the purpose for which the supply of water is required and the quantity which is likely to be consumed, supply water for any purpose other than domestic purpose, on such terms and conditions, including the condition of withdrawal of water, as may be determined by regulations.

(2) For the water supplied under sub-section (I), payment shall be made at such rate as may be fixed by the Municipality from time to time.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may withdraw such supply at any time, if he thinks it necessary so to do, in order to maintain a sufficient supply of water for domestic Purpose.

Prov ision of Com munication pipe s and fittings.

174. (1) When an application under section, 172 or section 173 has been received, all necessary communication pipes and fittings shall be supplied by the Municipality or the other, Agency, as the case may be, and the work of laying and connecting such communication pipes and fittings shall be executed under the orders of the Chief Municipal Executive Officer/ Municipal Executive Officer or the other agency, as the case may be.

(2) The cost of making such connections and of such communications pipes and fittings and bf the work of laying and connecting such communication pipes and fittings shall be paid by the owner or the person making such application.

(3) Notwithstanding anything contained in subsection (1), the Chief Municipal Executive officer/ Municipal Executive Officer may require any owner, or the person applying for supply of water, to provide, to his satisfaction, all Communication pipes and fittings, and to carry out at the owner's or the applicant’s cost and under his supervision and inspection the work of laying and correcting such communication pipes and fittings.

(4) Where it is practicable of supply water at a reasonable cost within the meaning of sub-section (2) of section 17 1 , the work relating to making of correction and fixing of communication pipes and fittings

shall be executed within a period of one month from the date of receipt of the application referred to in sub-section (1).

(5) The cost recovered under this section for making connection and supplying communication pipes and fittings shall be spent only on works relating to water-supply.

175. (1) The Municipality may" in exceptional circumstances, either on its own or through other agency, provide free of cost, supply of wholesome water to the

Water-supply through hydrants,

(2) The Municipality may order the closure of a public hydrant, stand-post or other conveniences for reasons to be recorded in writing.

(3) The Municipality may either on its own or through other agency provide for safety, maintenance and use of such public hydrants, stand-posts or other conveniences, subject to such conditions as may be specified by regulations.

176. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through other agency, fix hydrants on water-mains, other than trunk mains, at such places as may be most convenient for affording supply of water for extinguishing any fire, and shall keep in good order such hydrants, and may, from time to time, renew every such hydrant.

Provision for hydrants.

(2) Letters, marks or figures shall be displayed prominently on a wall, building or other structure near every such hydrant to denote the situation of such hydrant.

(3) As soon as the work relating to any hydrant is completed, the Chief Municipal Executive Officer/Municipal Executive Officer or the other agency, as the case may be, shall deposit a key thereof at the nearest place where a public fire engine is kept and in such other places as he may deem necessary.

(4) The Chief Municipal Executive Officer/ Municipal Executive Officer may, at the request and expense of the owner or the occupier of any building referred to in clause (a) of sub-section (3) of section 172, which is situated in or near a street in which pipe, not being a trunk main, is laid, and being c
sufficient dimensions to carry a hydrant, fix on the pipe, and deep in good order and, from time to time, renew, on or more fire hydrants as near to such building as may be convenient, to be use only for extinguishing fire.

(5) The Chief Municipal Executive Officer/ Municipal Executive Officer shall allow any person to take water for extinguishing fire from any pipe on which a hydrant is fixed without any payment.

177. (1) The Municipality may, subject to the satisfaction of the reasonable requirements of water within the municipal area, supply water to a local authority

Supply of water to areas outs

(2) The supply of water under sub-section (1) shall be at such rate, not being less than the cost of production and delivery, including the costs of debt servicing, depreciation of plant and machinery distribution-loss, and other charges' if any' as the Municipality may, from time to time, determine.

C. Planning, Construction, Maintenance and Management of Waterworks.

178. Subject to the provisions of chapter XXI all public tanks, reservoir, cisterns, wells, tube-wells, aqueducts, conduits, tunnels, pipes, taps and other waterworks' whether made, laid of erected at the cost met from the Municipal Fund or otherwise, and all bridges buildings works, material and things
connected therewith, or appertaining thereto' and any adjacent land, not being private property' appertaining to any such water-source, which are situated within the municipal area, shall vest in the Municipality.

Public tanks sub water etc. to ves Municipality.

Vesting of soil rights

179. All rights over the sub-soil water resources within the sub municipal area shall vest in the Municipality.

Works undertak for supply of wate

180. Subject to the provisions of section 10, for the purpose of providing the municipal area with propel and sufficient supply of for public and private uses the Municipality, either on its own or through any other agency,-

(a) shall cause to be constructed or maintained such tanks, reservoirs, engines, pipes' taps' and other water works as may be necessary within or outside the municipal area,

(b) may purchase, or take on lease, any waterworks or rights, to store or to take and convey water within or outside the municipal area, and

(c) May enter into any agreement with any person or authority for the supply of water :

Provided that the Municipal may, with the approval of the State Government, make over to, or take over from, a statutory body any waterworks so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

Management water works.

181. (1) Subject to the provisions of chapter XXI, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through any other agency, manage all waterworks and allied facilities belonging to the Municipality and shall maintain the same in good repair and efficient condition and shall cause to be done, from time to time, all such things as shall be necessary or expedient for improving such waterworks and facilities.

Purity of water for Domestic purpose.

182. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through any other agency, at all times, ensure that the water in any waterworks belonging to the Municipality, from which water is supplied for domestic purposes, is wholesome.

(2) The Municipality or the other agency, as the case may be, shall, when so required by any competent authority under any law for the time being in force, arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

Water not to wasted.

183. (1) No person, being the occupier of any premises to which water is supplied by the municipality or any other agency, as the case may be, under this chapter, shall, on account of negligence or other circumstances under the control of such occupier, allow the water to be wasted, or allow the pipes, works or fittings for the supply of water in his premises to be out of repair causing thereby waste of water.

(2) No person shall unlawfully flood, or draw off divert, or take water from, any waterworks belonging to, or under the control of, the Municipality, or from any watercourse or stream by which such waterworks is supplied.

(3) Any person who contravenes the provisions of this section shall be liable to such fine not exceeding ten thousand rupees as may be determined by regulations.

D. Tube-wells and Wells

Prohibition regarding sinking of rube wells or digging of wells etc.

184. (1) No person shall, except with the prior permission, in writing of the Chief Municipal Executive Officer/Municipal Executive Officer' sink any tube well or dig or construct any new well, tank, pond, cistern or fountain in any municipal area.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may grant such permission, and may issue a licence for the purposes of subsection (1), on such conditions' and on payment of such annual fee, as the Municipality may' from time to time, specific.

(3) If any such work of sinking of tube-well has begun or completed without such permission' the Municipal Executive Officer may, -

(a) by notice, in writing' require the owner or the other person, who has done such work to fill up or demolish such work' within such time as may be specified in the notice' and if the work of filling up or demolition is not done within the time so specified, cause the work to be done and realize the expenses therefore from the owner or the person to whom such notice was given, or

(b) grant permission to retain such work on such terms and conditions as the Empowered Standing Committee may consider fit to impose.

185. Whenever a supply of water has been provided in any municipal area, the Power to requ

forming a part of any premises in such area to fill up such well, tank or other water area.

Power to set apart wells, drinking, bathing, and any washing purposes.

186. The Empowered Standing Committee may, by ord.er published at such places is it may think fit, set apart any tank, well, spring or watercourse, or any tanks, etc. for part thereof, vested in the Municipality or, by an agreement with the opener g, culinary thereof, any private tank, well, spring or watercourse or part thereof subject to right which such owner may retain with the consent of the Empowered Standing Committee, for any of the following purposes, namely:

(a) supply of water exclusively for drinking or for culinary purposes or for both, or
(b) bathing, or
(c) washing animals or clothes, or
(d) any other purpose connected with health, cleanliness or comfort of the inhabitants,

and may, by like order, prohibit bathing, or washing of animals or clothes or other things at any public place, not set apart for such purposes, or prohibit any other act by which water in any public place may be rendered foul or unfit for use, or provide for alternative facilities and conveniences to regulate the use of any tank, well, spring or watercourse to promote public safety, health and welfare.

E. Water-supply Mains and pipes

Power to lay mains, service pipes, etc

187. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, lay, whether within or outside the-municipal area, a main, or such service pipes with such stopcocks and other water fittings as he may deem necessary for supply of water to premises-

(a) in any street, and

(b) with the consent of every owner or occupier of any land not

forming part of a street, in, over or on that land,

and may, either on his own or through any other agency, from time to time inspect, repair, alter, or renew or may, at any time, remove any such main, or service pipes, so laid, whether under this section or under any other provision of this Act :

Provided that where a consent required for the purposes of this sub-section is withheld the Chief Municipal Executive Officer/ Municipal Executive Officer may, after giving the owner or occupier of the land a notice, in writing, of his intention so to do, either on his own or through any other agency, lay the main or the service pipes, any other agency, lay the main or the service pipes, as the case may be, in, over or on that land without such consent.

(2) Where a service main or a service pipe has been lawfully laid in, over or on the land not

forming part of a street, the Chief Municipal Executive Officer/Municipal Executive Officer or any other agency appointed by him may, from time to time, enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof, but shall pay compensation for any damage done in the course of such action.

188. Subject to such terms and conditions as may be provided by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer may prohibit for laying water pipe Cesspools.

(b) construction of latrine or cesspool within six metres of any well, tank, water –pip, or cistern, or

(c) the use of water from any polluted source of supply.

189. The Chief Municipal Executive Officer/ Municipal Executive Officer may' in relation to subject to such terms and conditions as may be 'specified by regulations from time to time, require- Power water-supply.

(a) the provision of separate supply-pipes for each land or building or each storey of a building,

(b) the owner of a land or building or the person primarily liable for payment of tax in respect of a land or building, having no supply' or inadequate supply, of wholesome water for domestic purposes, to take supply of water from the mains of the Municipality and to set up electric pumps for the purpose, and

(c) the occupier of any land or building to which water is supplied by the Municipality, to keep the supply pipes in efficient repair.

190. (1) Notwithstanding anything contained in this Act, the Municipal Executive Officer may cut off the connection between any waterworks of the municipality and any premises to which water is supplied from such water works, or may turn off such supply, in any of the following cases, namely :- Power to turn off supply of water to premises.

(a) if the person, whose premises are supplied with water, neglects to pay any sum payable under sub-section (2) of section 172 or sub-section (2) of section 173, when due,

(b) if, after receipt of a notice, in writing, from the Chief Municipal Executive Officer Municipal Executive Officer requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or to permit the same to be used in contravention of the provisions of this Act or the regulations made there-under,

(c) if the occupier of the premises contravenes the provisions of sub-section (3) of section 172,

(d) if the occupier refuses to admit any officer or other employee of the Municipality, duly authorized in that behalf, into the premises for the purpose of making any inspection under this Act or the regulations made thereunder,

(e) if the owner or the occupier of the premises wilfully or tap conveying water from any waterworks of the Municipality,

(f) if any pipes, taps, works or fittings, connected with the supply of water to the premises, be found, on examination by the Chief Municipal Executive Officer Municipal Executive Officer, to be out of repair to such an extent as to cause so serious a waste of water that, in his opinion, immediate prevention is necessary,

(g) if the use of the premises for human habitation has been prohibited under this Act,

(h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning off the water-supply is attached,

and (i) if, by reason of a leak in the service pipe or fitting, damage is caused to any public street and immediate prevention is necessary:

Provided that-

i. water-supply shall not be- cut off or turned off in any case referred to in clause (g) or clause (i)' unless a notice' in writing' of not less than seventy-two hours has been given to the occupier of the Premises, and ii. in the case referred to in clause (f) or clause (i), the Chief Municipal Executive Officer/ Municipal Executive Officer may carry out necessary repair to pipes' taps' works, or fittings and recover the expenses thereof from the owner or the occupier of the Premises'

(2) The expenses of cutting-off water-supply shall be paid by the owner or tire occupier of the premises, as the case may be, and shall be recoverable from such owner or occupier as an arrear of tax under this Act.

F. Water Meters and Recovery of Charges

Power to prov

191. The Municipality may, - water meters a recover charges.

(a) by regulations, specify the terms and conditions for-

i. provision of water meters' either by itself or through an agent of by the owner or the occupier of any land or building, and

ii. recovery of charges for supply of such water as recorded by water meters' and

(b) take necessary steps for detection and elimination of any fraud in respect of such water meters.

Entrust

ment

entru.st the work water works

of

charges. force, on any private agency.

G. Offence in Relation to Water-supply

193. If any offence relating to water-supply is committed under this Act in any

Liabilit

y for offence premises connected with the municipal waterworks, the owner, the person in

relation to water primarily liable for payment of property tax, and the occupier of the said supply.

premises shall be jointly and severally liable for such offence.

Chapter-XIII

Drainage and Sewerage

A. Functions in Relation to Drainage and Sewerage

194. The Municipality shall, either on its own or through any other agency, construct and maintain drains and sewers, and provide a safe and sufficient

Munici

pality to outf

sewera

ge and m

area, or of the areas surrounding the

outfall, or in

any other way:

Provided that no place, which has not been used before the commencement of this Act for any of the purposes specified in this section, shall be so used except-

i. in conformity with the provisions of any State law relating to land use planning or any other law relating thereto for the time being in force or ii. with the approval of the State government, in the absence of any such law:

Provided further that with effect from such dare as may be appointed by the State Government in this behalf, no sewage shall be discharged into any watercourse until it has been so treated as not to affect prejudicially the purity and the quality of the water of such water course.

195. For the purposes of receiving, treating, storing, disinfecting, distributing, or on of means otherwise disposing of sewage, the Municipality may, either on its own or through any other agency, construct, operate, maintain, develop and manage any works within or outside the municipal area. Provisi for disposal of sewage.

B. Proprietary Rights of Municipality

In respect of Drains and Sewage Disposal works

196. Subject to the provisions of chapter-XXl,-

(a) all public drains, all drains in' alongside or under any public street, and all and sewage sewage disposal works, constructed or acquired out of the Municipal Fund or otherwise, and all works' materials and things appertaining thereto, which are situated within or outside the municipal area, shall vest in the Municipality, Vesting of public drains disposa l works.

(b) for the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal system' so much of the sub-soil appertaining thereto' as may be necessary for such purposes' shall be deemed also to vest in the Municipality, and

(c) all drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up of the Municipal Fund in or upon premises' not belonging to the Municipality, whether-

(i) before or after the commencement of this Act, and

(ii) for the use of the owner or the occupier of such premises or not, shall' unless the Municipality has otherwise determined' or does at any time otherwise determine, vest, and shall be deemed always to have vested in the Municipality.

Explanation-All public and other drains' which vest in the Municipality are hereinafter referred to in this Act as municipal drains.

197. The Municipality may, with the prior approval of the State Government and to make over subject to such conditions as the Municipality may determine, make over to, or take over take over from, an authority under any law for the time being in force any drain Power to, or to from, statut drainag authority

198. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer, or through, across or under, any street, or any place laid out as, or intended for, a street or under any cellar or vault, which may be under any street, and, after giving a reasonable notice in writing to the owner or the occupier thereof, into through or under any land whatsoever within the municipal area, or, for the purpose of outfall or distribution of sewage, outside the municipal area. Power of mak

(2) The Chief Municipal Executive Officer Municipal Executive Officer, or any other agency authorized by him in this behalf, may construct any new drain in place of an existing drain or repair or alter any municipal drain so constructed.

199. For the purpose of effectual drainage of any premises in accordance with Sewage and rain the

by him in this behalf, to require that there shall be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted subsoil water or both rain water and unpolluted subsoil water, each emptying into separate municipal drains or other suitable places.

200. Subject to such terms and conditions as may be specified by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, may- Alteration, discontinuance, cleansing, etc., of drains.

(a) enlarge, alter the course of, Iessen, or arch over, or otherwise imp5ove, any municipal drain within the municipal area,

(b) discontinue, close up, or destroy any such drain, properly flush, clean, and empty such drain, and restrict throwing, emptying, or turning into any municipal drain, or into any matter likely to damage the drain or interfere with the free flow of is contents or affect prejudicially the treatment and disposal of its contents, or any chemicals, refuse or waste steam, or any liquid which is dangerous or is the cause or a nuisance or is prejudicial to health, or any petroleum Class 'A, petroleum Class 'B' or petroleum Class 'C'.

Explanation- For the purposes of this section, the expression "petroleum Class 'A, "Petroleum class 'B', Petroleum Class' C "shall have the same meaning as in the Petroleum Act, 1934.

D. Drains of Private Streets and Drainage of Premises

201. Subject to such terms and conditions as may be specified by regulations in relation to from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf' may- Powers drainage.

(a) permit the owner or the occupier of any premises having a drain, or the owner of a private drain' to have his drain made to communicate with the municipal drain for discharge of foul water,

(b) limit the use of the municipal drain by the owner or the occupier of any premises having a private drain or the owner of a Private drain,

(c) require the owner of any land or building, which is without sufficient r:reans of effectual drainage, to construct a drain and to provide all such appliances and fittings as may be necessary for drainage of such undrained land or building,

(d) require the group of owners of a block of premises, which may be drained more economically or advantageously in combination than separately' to undertake at their own, expense any work necessary for drainage of such block of premises to be drained by a combined operation,

(e) require the owner of any land or building to carry out such construction, repair or other work as may be necessary for effectual drainage of such land or building, or

(f) authorize any person who desires to drain his land or building into a municipal drain through a drain of which he is not &n owner, to use the drain or declare such person to be the joint owner thereof.

202. (1) It shall not be lawful to erect or re-erect any premises in the municipal area or to occupy any such premises unless- Premises not to be erected witl

(a) a drain is constructed of such size, materials and description, at such level and with such fall, as may appear to the Chief Municipal Executive Officer/ Municipal Executive Officer to be necessary for the effectual drainage of such premises.

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Municipal Executive Officer/ Municipal Executive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matters, and conveying the same, from such premises and of effectually flushing the drain of such premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from the premises, but if no municipal drain is situated without such distance, then, such drain shall empty into a cesspool situated within the distance to be specified by the Chief Municipal Executive Officer/Municipal Executive Officer for the purpose.

E. Trade Effluent

203. Subject to the provisions of this Act and the regulations made thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the approval of the Municipality or, so far as may be for the time being in force without such, approval, discharge into the municipal drain any trade effluent proceeding from such Premises. Special provisi relating to tr effluent.

204. Notwithstanding anything contained in this Act or the regulations made Special provisi

Executive Officer Municipal Executive Officer, any trade effluent, trade premises are without sufficient means of effectual drainage and treatment of trade effluent or the drains thereof, though otherwise not objectionable, are not adapted to the general drainage system of the municipal area, effluent is not of specified purity, the Municipal Executive officer may, by notice, in writing, require the owner or the occupier of such premises-

(a) to discharge the trade effluent in such manner, at such times, through such drains'- and subject to such conditions, as may be specified in the notice, and to cease to discharge the trade effluent other than in

accordance with the notice,

(b) to purify the trade effluent before its discharge into a municipal drain and to set up for purifying the trade affluent such appliances, apparatus, fittings and plants, as may be specified in the notice,

(c) to construct a drain of such material, size and description, and laid at such level, and according to such alignment, and with such fall and outlet, as may be specified in the notice,

(d) To alter, amend, repair or renovate any purification plant, existing drain, apparatus, plant-fitting or article used in connection with any municipal or house-drain.

Chapter-XXlV

Other Provisions Relating to Water-Supply, Drainage and Sewerage

205. Without the permission, in writing, of the Chief Municipal Executive Officer/ Connec wi

to be waterworks or mains or drains constructed or maintained or by, vested in, the made witl

206. (1) Without the permission of the Chief Municipal Executive Officer/ Buildin

gs, railways Municipal Executive Officer, no building, wall, fence or other structure shall be and

private streets erected, and no railway or private street shall be constructed or maintained by, not to be erected
or vested in, the Municipality.

or constructed over
water mains or on

(2) If any building, wall, fence or other structure erected, or is any railway
Munici
pal drains
or private street is constructed, on any drain or waterworks without the without
permission.
permission as aforesaid, the Municipal Executive Officer may do good in such
manner as he may think fit.

(3) The expenses incurred by the Chief Municipal Executive Officer/Municipal Executive Officer for carrying out the purposes of subsection (2), shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person responsible and shall be recoverable as an arrear of tax under this Act.

207. If the Chief Municipal Executive Officer/ Municipal Executive Officer desires
Railwa
y
to place or carry, any pipe or drain or to do any other work connected with water
adminis
tration to be
supply or drainage across any railway line, he shall inform the railway
informe
d in certain
administration, who may execute tie same at the cost of the Municipality. cases.

208. Subject to the provisions of section i0, any building plan submitted to the Chief Municipal
Chief Municipal Executive Officer/ Municipal Executive Officer for sanction shall
Executi
ve Officer/
conform to such rules or regulations relating to water-supply, drainage, privy,
Munici
pal Executive
urinal accommodation, within the premises, and sewerage as may be made in Officer
not to
this behalf, and no building plan shall be sanctioned by the Chief Municipal
sanctio
n building
Executive Officer Municipal Executive Officer unless it so conforms. Plan
unless plan
relating
to wate
supply etc. is
conformity with rules
and regulations.

209. Subject to the provisions of section 10 and section 325, the Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained
Maps
undergr
ound water
complete survey maps, drawings and descriptions or water supply mains, supply
pipes, drains,
supply-pipes, municipal drains, sewers, and connections thereto from all etc.
premises in the municipal area.

210. (1) The Chief Municipal Executive Officer/Municipal Rights of user Rights
of user of

Executive officer may, either on his own or through o f property any other

propert

y for

agency authorized by him in this behalf, for aqueducts, conduits, and line main

aquedu

cts, lines,

or pipes or drains over, under, along, or across any immovable property, etc.
whether within or outside the limits of the municipal area' without acquiring such immovable property, and may, at any time, for the purpose of examining' repairing' altering or removing such aqueducts, conduits or lines of mains or pipes or drains' after giving a reasonable notice of his intention to do so enter on any such immovable property over, under, along or across which the aqueducts ,conduits, or lines of mains or
Pipes or drains have been Placed :

Provided that the Municipality or the other agency, as the case may be' shall not acquire any right, other than right and a right of a user, in such property over, under, along or across which any aqueduct, conduit or line of mains or pipe or drain is placed:

(2) The powers conferred under sub-section (1) shall not be exercise in respect of any property which is vested in the State Government or any local authority, or is under tire control or management of the Central Government or the railway Administration, save with the permission of the State Government or the railway administration, as the case may be, and in accordance with such regulations as may be made in this behalf:

Provided that the Chief Municipal Executive officer/municipal Executive officer may without such permission, repair, renew or amend any existing works' the character or position of which is not to be altered, if such repair, renewal or amendment is urgently necessary in order to maintain, without interruption, tire supply of water, drainage, or disposal of sewage, or is such that any delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred on the Chief Municipal Executive Officer/ Municipal Executive Officer by this section, he, or any other agency authorized by him in this behalf, shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience by him.

211. (1) If it appears to the Chief Municipal Executive officer/ Municipal Power
of owner of Executive Officer that the only or the most convenient means of water supply to, premises t

land autho

Provided that before making any such order, the Chief Municipal Executive Officer/ Municipal Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause, within such time as should not be made:

Provided further that the owner of the premises shall not acquire any right, other than the right of a user, in such immovable property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the order under subsection (l), the owner of the premises may, after giving a reasonable notice of his intention to do so, immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property for the purpose of repairing such pipe or drain

(3) In placing or carrying a pipe or drain under this section, as little damages as possible shall be done to such immovable property, and the owner of the premises shall-

a) cause the pipe or drain to be placed or carried with the least Possible delay,

b) fill in reinstate and make good at this own cost and with the least possible delay, land opened, broken up or removed for the purpose of placing or carrying such pipe or drain, and.

c) pay compensation to the owner of such immovable property and to any other person, who sustains damage by reason of the placing or carrying of such Pipe or drain.

(4) If the owner of such immovable property over, under, along or across which a pipe or drain has been placed or carried under this section, while, such immovable property was not built upon, desires to erect any building on such immovable property, the chief Municipal Executive officer/ Municipal Executive Officer shall, by notice, in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in reinstate and make good such immovable property as if his/ her pipe or drain had not been placed or carried over, under' along or across such immovable Property:

Provided that no action under this subsection shall be taken unless, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer' it is necessary or expedient for the construction of the proposed building, or the safe enjoyment thereof, that the pipe or drain should be closed' removed or diverted.

212. Subject to such terms and conditions as may be specified by regulations of the Chief from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, authorized by him in this behalf,- Power of Municipal Executive Officer/ Municipal Executive Officer to affix shafts etc. For ventilation of drain or cesspool

(a) erect upon any land or building, or affix to the outside of any building, or to any tree, any shaft or pipe as may appears to him to be necessary for the purpose of ventilating any drain or cesspool, whether vested in the Municipality or not, and

(b) examine the condition of a private drain or cesspool within the municipal area in respect of which there is reasonable ground for believing that such private drain or cesspool is in such condition as is prejudicial to health, or is a nuisance, by applying any test other than a test by water under pressure, and if he deems it necessary, by opening the ground.

213. (1) When, under the provisions of this Act, any person is required, or is liable. to execute any work in relation to water supply, drainage and sewerage within the municipal area, the Chief Municipal Executive Officer/ Municipal Executive Officer may, in accordance with the provisions of this Act and the regulations made thereunder, cause such work to be executed after giving such person an opportunity of executing such work within such time as may be specified in the notice Power of Municipal Executive Officer/ Municipal Executive Officer to execute work after giving notice

(2) The expenses incurred or likely to be incurred by the Chief Municipal Executive Officer Municipal Executive Officer in connection with the maintenance of such work or enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and convenience.

(3) The expenses referred to in subsection (2) shall be recoverable from the person or persons liable therefore as an arrear of tax under this Act.

Work license d plumber.

214. (1) The Empowered Standing Committee may grant licence to any person to be done by possessing such technical qualifications as may be determined by regulations to act as a Licensed plumber.

(2) No person, other than a licensed plumber, shall execute any work described in chapter XXII, and chapter XXIIl, and in this chapter, and no, person shall permit any such work to be executed except by a licensed Plumber:

Provided that ii in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, the works is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber:

(3) The Municipality shall' by regulations, provide for-

(a) the terms and conditions of engagement of such licensed Plumbers,
(b) their duties and responsibilities, and guidelines for their functions,
(c) the charges to be paid to them for different types of works,
(d) the hearing and disposal of complaints made by the owners or occupiers of any premises with regard to their work, and
(e) The suspension or cancellation of such licence, in case of contravention of any such regulations by any such plumber, and prosecution thereof under this Act.

Power of access to waterworks and tire drainage installations.

215. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer' or any other agency authorized by him in this behalf, or any person appointed by State Government in this behalf' may' for the purpose of inspecting or at all reasonable times,-

(a) enter upon' and pass through' any land within or outside the municipal area, adjacent to, or in the vicinity of such waterworks' in whomsoever such land all may vest, and
(b) convey into and through any such land all necessary materials' tools and implements.

(2) In the exercise of any power conferred by section, this as little damage as possible may be done, and compensation for any damage which may be done in the exercise of any such power shall be paid by the Chief Municipal Executive Officer/Municipal Executive Officer or any agency authorized by him in this behalf, or, if the person so appointed by the State Government has caused the damage, by the State Government.

216. (1) No person shall-

Prohibition of certain acts

(a) wilfully obstruct any person acting under the authority of the Chief Municipal*Executive Officer/ Municipal Executive Officer in setting out the lines of any works or pull up or remove any pillar, post or shaft fixed in the ground for the purpose of setting out lines of such works, or deface or destroy any works made for such purpose, or
(b) wilfully or negligently break, damage, turn on, open, close, shut off, or otherwise interfere with, any lock, cock, value, pipe, meter or other work apparatus belonging to the Municipality, or
(c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from, any waterworks belonging to the Municipality, or
(d) unlawfully obstruct the flow of, or flush, draw off, or divert, or take,

sewage work belonging to the Municipal or break or damage any electrical transmission line maintained by the Municipality, or

(e) throw any material including plastic bags and containers or waste of dairies, piggeries and poultry farms into any municipal drain or sewer, or

(f) obstruct any officer or other employee of the Municipal in the discharge of his duties under chapter XXII and under this chapter or wilfully neglect, to furnish him with the means necessary for the making of any entry inspection, examination or inquiry thereunder in relation to any water or sewage work, or

(g) bathe in, at, or upon, any waterworks or wash or through or cause to enter therein any animal, or throw any rubbish, dirt or filth into any waterworks or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink or drain or any steam-engine or boiler or any polluted water to turn, or to be brought, into any waterworks, or do any other act, whereby the water in any waterworks is fouled or is likely to be fouled.

(2) Nothing in clause (b) of sub-section (l) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Sewerage charge and sewerage cess.

217. (1) The Municipality shall levy sewerage charge on the owners of premises for connection of such premises to sewerage mains, such amount being not less than one-half of the amount chargeable for water-supply under sub-section (2) of section 172 or water-supply under sub-section (2) of section 173, as the case may be, as may be determined by regulations from time to time.

(2) Where the owner of any premises in a locality where sewer is laid by the Municipality has not taken connection from the sewerage mains, he shall be liable to pay a sewerage cess of such amount, not being more than one-half of the amount chargeable as sewerage charge under sub-section (l), as may be determined by regulations from time to time.

(3) Where the owner fails to pay the sewerage charge or sewerage cess, such sewerage charge or sewerage cess, as the case may be, shall be realized from the occupier, and the occupier shall be entitled to recover the amount from the owner.

(4) The connection of premises to sewerage mains shall be provided within a period of thirty days from the date of receipt of an application in this behalf from the owner of the premises.

(5) The charges received by the Municipality from the owner or the occupier for connecting the premises to sewerage system may be such, as may be determined by regulation.

Entrustment of with of worl charges.

218. The Chief Municipal Executive Officer/ Municipal Executive Officer may,

Power of State Government to exercis

219. (1) If, at any time, it appears to the State Government that any waterworks, of the or drainage works, or sewerage works executed by, or vested in, the Municipality, are maintained, or worked, or run in an imperfect, inefficient or waterworks, the drainage works or the sewerage works, as the case may be, waterworks, with all plants, fittings and appurtenances thereof should not be handed over to

drainag

e works or the control and management of any agency belonging to the State Government

sewera

ge works.

or any authority under any lay for the time being in force, as may be specified in the order.

(2) If no cause is shown to the satisfaction of the State Government within the period specified the order referred to in sub-section (1), or the cat shown appears, to be untenable, the Ste Government may, by order. in writing, direct to the waterworks, the drainage works or the sewerage works, as the case may be, with all plants, fitting and appurtenances thereof shall be handed over for such period as it may fix, to the control and management of such persons, or agency, or authority and on such terms and conditions, as the State Government may determine,

(3) During the period fixed under sub-section (2), the complete control and management of such waterworks, drainage works or sewerage works, as the case may be, shall vest in the person, or the agency, or the authority so appointed who shall engage such establishment for the purpose of maintaining and working of such waterworks, drainage works or sewerage works, as the case maybe, as the State Government may from time to time determine; and such establishment may include the employees of the Municipality who were employed, or have been employed, in the maintenance or working of such waterworks, drainage works or sewerage works.

(4) The cost of such establishment, including costs of all materials, implements and stores, shall be paid from the Municipal Fund within such period as may be fixed by the State Government.

Municipal Wa supply, Draina and Sewer Code.

220. (1) The Municipality shall prepare and maintain a Code to be called the Municipal Water-supply, Drainage and Sewerage Code which shall include such regulations as may be made from time to time relating to the construction-maintenance' repair and alteration of waterworks, water-supply mains supply-pipes, drains, sewers, privies and urinals, cesspools, and appurtenances thereof and other matters under chapter XXII or chapter XXIII or this chapter.

(2) Such regulations shall provide for inspection of premises by the Chief Municipal Executive Officer/Municipal Executive Officer, or any other officer, or

any other agency, authorized by him in this behalf as the case may be, to ascertain compliance with the provisions of this Act and the rules or regulations made thereunder.

Chapter-XXV

Solid Wastes

A. Functions in Relation to Solid Wastes Management

Duty of Municipali respect of solid w management handling.

221. Subject to the provisions of section 10, the Municipality shall, within the municipal area, be responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (protection) Act, 1986. to regulate the management and handling of municipal

solid wastes and for development of any infrastructure for collection, storage, transportation, processing and disposal of such solid wastes.

Entrustment of Management handling of wastes and billing and collection charge.

222. Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, transportation, processing and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Municipality may fix from time to time:

Provided that the charge as aforesaid shall, as far as practicable, be such shall cover the costs on account of management and handling of

municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing and disposal thereof and also the costs of debt-servicing, depreciation of plant and machinery and other charge, if any:

Provided further that the Chief Municipal Executive Officer Municipal Executive Officer may, with the prior approval of the Empowered Standing Committee, entrust development of infrastructure for collection, storage, transportation, processing and disposal of solid wastes and the work of management and handling of municipal solid wastes and of filling and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

Functions of Municipality.

223. Subject to the provisions of section 10, the Municipality shall, either on its own or through any other agency authorized by it in this behalf,-

(a) organize collection of municipal solid wastes through any of the methods, like community bin collection (central bin),house to- house collection, and collection on regular pre-informed times and schedules,

(b) devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas.

(c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposals on daily basis, and

(d) arrange for making use of biodegradable wastes from vegetable markets in an environmentally acceptable manner.

Solid wastes to be property Municipality.

224. All solid wastes deposited in public receptacles, depots and places provided or appointed under section 225 and all solid wastes collected by the municipal employees or contractors or any other agency authorized in this behalf shall be the property of the Municipality.

Appointment places for disposal final disposal of wastes.

225. The Municipality may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable:

Provided that no place which has not been used before the commencement of this Act for the purpose specified in this section, shall be so used, except-

i. in conformity with the provisions of any State Law relating to development planning and land use control or any other law relating thereto for the time being in force, or

ii. in the absence of any such law, with the approval of the State Government;

Provided further that the solid wastes shall not be finally disposed of in any manner which the State Government may think fit to disallow.

B. Collection und Removal of Solid Wastes

Duty of

226. It shall be tire duty of the owners and the occupiers of all lands and owners and buildings in the municipal area-

occupiers

of

of i.

ii. recyclable or non- bio gradable wastes, and

iii. domestic hazardous wastes,

So as to ensure that these different types of wastes do not get mixed,

(c) to keep such receptacles in good condition and order, and

(d) to cause ail such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses of dead animals, excrementitious matters,

bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises and to be deposited in community bins or receptacles at such times and in such places as the Municipal Executive Officer may, by notice, specify.

Duty of Housing soci

227. lt shall be the duty of the managements of cooperative housing societies, Cooperative apartment owners, associations, residential and non-residential building and hazardous building to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Municipality for temporary storage of wastes (other than recyclable wastes), hazardous wastes, and biomedical wastes for their subsequent collection and removal by the Municipality:

Provided that a separate community bin shall be provided for the storage of recyclable wastes where door to door collection is not made.

Prohibition (b) dep

228. No person and owner or occupier of any land or building shall-

(a) litter or deposit at any public place any solid waste, open land,
(c) allow any filthy matter to flow on public places, or
(d) deposit or otherwise dispose of the carcass or any part of any dead animal at a place not provided or appointed for such purpose.

Punishment for littering on street at and depositing or any throwing waste.

229. (1) Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish any place in contravention of the provisions of this Act, or permits the flow of filthy matter from his premises, shall be punished on the spot with a fine, not being less than one hundred rupees, as may be determined by regulations from time to time.

(2) Such spot fines may be collected by officers, not below the rank of a sanitary inspector, duly authorized by the Municipality in this behalf.

Bio-medical wastes.

230. It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in, this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers Conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of bio-medical wastes to the extent such rules apply to the Municipality.

Hazardous wastes.

131. It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of hazardous wastes to the extent such rules apply to the Municipality.

Chapter -XXVl

State Municipal Regulatory Commission

Definitions.

232. In this chapter unless the context otherwise requires,-

(a) "Chairperson" means the Chairperson of the State Commission;

(b) "High Court" means the High Court of the State:

(c) "Member" means a member of the State Commission, and includes the Chairperson, and a member of a regional branch of the State Commission;

(d) "State Commission" means the Municipal Regulatory Commission constituted under sub-section (1) of section 233.

Constitution and incorporation

233. (1) The State Government shall, within three months from the date of commencement of this Act, by notification, constitute a State commission to be the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The State Commission shall be a body corporate, having perpetual succession and a common seal, and shall have the power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the name as aforesaid sue or be sued.

(3) The head office of State commission shall be at such place as the State Government may, by notification, specify.

(4) The State Commission shall consist of such members including the chairperson, being not more than five, as the State Government may determine.

Provided that the State Government may establish one or more regional branches of the State Commission for such area or areas as the State Government may determine, and each such regional branch shall have not less than two and not more than three members.

(5) The Chairperson and the other members shall be persons of ability, integrity and standing who have adequate" knowledge of, and have shown capacity in dealing with problems relating to, urban affairs, municipal finance, economics, engineering, law or management:

Provided that the member of a regional branch of the State Commission for an area shall be persons having adequate knowledge of that area.

(6) The Chairpersons and the other members shall be appointed by the State Government on the recommendation of the Selection Committee constituted under section 234.

(7) Notwithstanding anything contained in sub-section (5) or sub-section (6), the State Government may appoint any person as the Chairperson from amongst the persons who are or have been the judges of the High Court:

Provided that no such appointment shall be made except in consultation with the Chief Justice of the High Court;

Provided further that the State Government may appoint one of the members of a regional branch of the State commission from amongst the persons who are or have been the District and Sessions judges:

Provided also that no such appointment shall be made except after consultation with Chief Justice of the High Court.

(8) The Chairperson shall be the Chief Executive of the State Commission.

(9) The Chairperson or any other member shall not hold any other office.

Constitution of Selection Committee by State

234. (1) The State Government shall, for the purposes of selection of members, constitute a Selection committee consisting of-

(a) a person, who has been the judge of the High Court, to be the Chair

Govern

ment.

Person, and

i. the Chief Secretary to the State Government, and

ii. an expert having not less than ten years experience in infrastructure finance, to be nominated by the state Government;

Provided that nothing contained in this subsection shall apply to the appointment of a person, who is or has been the judge of the High court, as the Chairperson.

(2) No appointment of a member shall be invalid merely by reason of any vacancy in the Selection committee.

(3) The State Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal, and six months before the superannuation, or the expiry of the term of office, of a member, make a reference to the Selection committee for filing up of such vacancy.

(4) The Selection Committee shall finalize the selection of a member within one month from the date of reference to it by the State Government.

(5) Upon reference by the State Government, the Selection Committee shall recommend a panel of two names for every vacancy in the office of a member.

(6) Before recommending any person for appointment as a member, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his function as a member.

235. (l) The Chairperson and the other members shall hold office as such for a term of five years from the date of entering upon office, but shall not be eligible for re-appointment:

Term of office, salary and allowances and other conditions of service of Chairperson other members.

(a) in the case of the Chairperson, the age of sixty-five years, and

(b) in the case of any other member, the age of sixty-two years.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and the other members shall be such as may be prescribed.

(3) The salary and allowances and the other terms and conditions of service of the chairperson or any other member shall not be varied to his disadvantage.

(4) The Chairperson and every other member shall before entering upon office, make, and subscribe to, an oath of office and of secrecy in such Form and manner, and before such authority, as may be prescribed.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (2), the chairperson or any other member may-

(a) relinquish his office by giving, in writing, to the Governor a notice of not less than three months; or

(b) be removed from his office in accordance with the Provisions of section 236.

(6) The Chairperson or any other member ceasing to hold office as such shall be ineligible for further employment under the Central Government or any State Government for a period of two years from the date from which he ceases to hold such office, and shall not-

(a) accept any commercial employment for a period of two years from the date from which he ceases to hold such office, and

(b) represent in any manner any person before the State Commission or any similar Commission constituted by any other State Government-

Explanation - For the purposes of this subsection,-

i. "employment under the Central Government or any State Government" shall include employment under a local authority or any other authority within the territory of India or under the control of the central Government or a State Government or under any corporation or society owned or controlled by the Central Government or a State Government ;

ii. "commercial employment, shall mean employment in any capacity under, or as agent of, a person engaged in any trading, or commercial, industrial, or financial business, in any public utility undertaking, and shall include employment as a director of a company or partner of a firm, and shall also include sitting up of practice, either independently or as a partner of a firm or as an adviser or a consultant.

Removal Chairperson other members.

236. (1) Subject to the provisions of subsection (3), the Chairperson or any other member shall only be removed from his office by order of the Governor on the ground of proved misbehaviour after the High Court, on reference being made to it by the Governor, has, on inquiry held in accordance with such procedure as may be prescribed in that behalf by the High Court, reported that the member ought, on such ground, to be removed.

(2) The Governor may suspend the chairperson or any other member in respect of whom a reference has been made to the High Court under subsection (l) until the Governor has passed orders on receipt of the report of the High Court on such reference.

(3) Notwithstanding anything contained in subsection (1), the Governor may, by order, remove from office the Chairperson or any other member, if he-

(a) has been adjudged an insolvent, or

(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(c) has become physically or mentally incapable of action as a member or (d) has acquired such financial or other interest as is likely to affect prejudicially his functioning as a member, or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(4) Notwithstanding anything contained in sub-section (3), the Chairperson or any other member shall not be removed from his office under this subsection unless the High Court, on a reference being made to it in this behalf by such procedure as may be prescribed in this behalf by the High court reported that the member ought, on such ground, to be removed.

237.(1)The State Commission may appoint a Secretary to exercise such powers and perform such duties, under the control of the Chairperson, as may be specified by regulations made by the State Commission.

Officers of State Commission other be staff.

(2) The State commission may, with the approval of the State Government, determine the number, nature and categories of other officers and employees required to assist the State commission in the discharge of its functions.

(3) The salaries and allowances payable to, and the other terms and conditions of service of' the secretary and the other officers and employees of the State commission shall be such as may be determined

by the State Commission by regulations with the approval of the State Government.

(4) The State Commission may appoint consultants to assist the State Commission in the discharge of its functions on such terms and conditions as the State Commission may, by order determine.

238. (1) Notwithstanding anything contained elsewhere in this Act, the state

Functions of State Commission.

Commission shall discharge the following functions, namely:-

(a) to determine separately for each-Municipality the rate at which payment shall be made for water-supply under sub-section (2) of section 272 and sub-section (2) of section 273,

(b) to determine separately for each Municipality the sewerage charges on the owners of premises for connection of such premises to sewerage mains under sub-section (1) of section 217,

(c) to determine separately for each Municipality the rate or the principles for determination of the amount of charges for solid waste management under clause (ii) of section 130,

(d) to determine separately for each Municipality, the rate or the principles for determination of charges for any other services,

(e) to set standards for the provision of municipal services in the State including standards relating to quality, continuity and reliability of such services,

(f) to suggest avenues for participation of private sector in the provision of municipal services, to ensure a fair deal to the citizens, and to promote competition, efficiency and economy in the activities of the Municipalities in the provision of municipal services.

(2) Without prejudice to subsection (l), the State Government may, by notification, confer any of the following functions on the State commission, namely:-

(a) to aid and advise the State Government on any matter concerning the provision of municipal services in the State and the formulation of State policies in this regard,

(b) to collect and record information concerning the provision of municipal services in the State,

(c) to collect and publish data and forecasts on the demand for, and the use of, municipal services in the State,

(d) do adjudicate upon the disputes and differences between any municipal authority and any suppliers of municipal services in the public or private sector on behalf of such municipal authority, or to refer such matters for arbitration,

(e) to co-ordinate with the environmental regulatory agencies and to evolve policies and procedure for appropriate environmental regulation of municipal services,

(f) and to aid and advise the State Government on any other related matters referred to the State Commission by the State Government'

239 (1) The State commission may, by notification, constitute, with effect from such date as it may specify in such notification, a Committee to be known as the State Municipal Advisory Committee.

The State Municipal Advisory Committee.

(2) The State Municipal Advisory Committee shall consist of not more than twenty-one members to represent the interest of commerce, industry, transport, agriculture, labour, consumers of civic, services, Municipalities, non-governmental organizations and academic and research bodies in the municipal affairs sector.

(3) The Chairperson and the other members shall be the ex-officio Chairperson and the ex – officio members, respectively, of the State Municipal Advisory committee.

240. The objects and functions of the State Municipal Advisory Committee shall be to advise the State commission on- Objects functions of State Municipal. Advisory Committee.

(a) major questions of policy;

(b) matters relating to quality, continuity and extent of municipal services provided by the municipal authorities:

(c) protection of consumers of municipal services; and

(d) improvement of overall standards of performance, efficiency and economy in the provision of municipal services by municipal authorities.

241. The state commission shall authorize any person as it deems fit to represent the interest of the consumers of municipal services in the proceedings before St Representation

242. (1) Any person aggrieved by any decision or order of the State Commission to High Court may file an appeal to the High Court. Appeal in certain cases.

(2) Except as aforesaid, no appeal or revision shall lie to any Court from any decision or order of the State Commission.

(3) Every appeal under this section shall be preferred within sixty days from the date of communication of the decision or order of the State Commission to the person aggrieved by the said decision or order:

Provided that High Court may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the aggrieved person had sufficient cause for not preferring the appeal within the said period of sixty days.

243. (1) Notwithstanding anything contained in any other law for the time being in force, the rates of user charges referred to in section 238 shall be determined by the State Commission in accordance with the provisions of this Act and the rules and the regulations made thereunder. Determination Of rates of user charges by State Commission.

(2) The State Commission shall determine by regulations separately for each Municipality the terms and conditions of, and the rates for, user charges as aforesaid and, in doing so, shall be guided by the following considerations, namely:-

(a) that the rates progressively reflect the cost of supply of municipal services at an adequate and improving level of efficiency,

(b) the factors which would encourage efficiency, economical use of resources, god performance, optimum investments and other matters which the State Commission my consider appropriate;

(c) that the interest of the consumers of the municipal services are safeguarded and, at the same time, the consumers pay for availing of the municipal services in a reasonable manner based on the average cost of such services: and

(d) the production, distribution, and supply of municipal civic services are conducted on commercial basis.

(3) The State Commission, while determining the user charges under this Act, shall not have any undue preference for any Municipality but may differentiate between different Municipalities, having regard to the population, density of population, revenue generation, economic importance and the actual conditions obtaining in different municipal

areas and the managerial, technical, financial and organizational capacities of different Municipalities.

(4) If the State Government requires the grant of any subsidy to any consumer or class of consumers of municipal services in the rates of user charges determined by the State Commission under this section, the State Government shall pay the amount to compensate the Municipality or any other agency affected by the grant of such subsidy in such manner as the State Commission may direct as a condition for implementation of the subsidy provided by the State Government.

(5) Where the State Commission departs from any of the considerations specified in sub-section (2), it shall record the reasons in writing for such departure.

244. The State Commission shall prepare, in such Form, and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the state Commission, and forward the budget to the State Government. Budget of S commission.

245. (1) The State Commission shall maintain proper accounts and other ts and audit relevant records and prepare an annual statement of accounts in such Form as may be determined by the State Government in consultation with the comptroller ssion. and Auditor General of India. Accoun of the State Commi

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor- General of India at such intervals as may be determined by him, and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor- General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before State Legislature.

246. (1) The State Commission shall prepare every year in such Form, and within such time, as may be prescribed; an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government. Annual report of the State Commission.

(2) A copy of the annual report received under subsection (1) shall be laid, as soon as may be after it is received, before the State Legislature.

247. The State Commission shall ensure transparency while exercising the powers and discharging the functions under this Act. Transpa rency in State commission.

248. (1) In the discharge of its functions, the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing.

Directions by State Government.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final.

249. All proceedings before the State Commission shall be deemed to be judicial proceedings within the meaning of section 193 and section22S of the Indian Penal Code and the State Commission shall be deemed to be a Civil Court for the purposes of section 345 and section 346 of the Code of Criminal Procedure, 1973.

Proceedings before State Commission.

250. No suit, prosecution or other legal proceeding shall lie against the State Government or the State Commission or any officer of the State Commission for anything which is in good faith done or intended to be done under this chapter or the rules or the regulations made thereunder.

Protection of action taken in good faith.

251. Whoever fails to comply with any order or direction given under this chapter within such time as may be specified in the said order or direction or contravenes, or attempts to contravene, or abets the contravention of, any of the directions under provisions of this chapter or any rules or regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to twenty-five thousand rupees, or with both, in respect of each such offence, and, in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first such offence.

Punishment for non-compliance of orders or directions under this Act.

252. (1) In case any complaint is filed before the State Commission by any person or if the State Commission is satisfied that any person has contravened any directions issued by the State Commission under this chapter, or the rules or regulations made thereunder, the State Commission may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that without prejudice to any other penalty to which he may be liable under this chapter, such person shall pay by way of penalty, a fine which shall not exceed twenty-five thousand rupees for each such contravention and, in the case of a continuing continues after first such contravention.

Punishment for non-compliance of any directions given by State Commission.

(2) Any amount payable under this section, if not paid, may be recovered as an arrear of land revenue.

253. The State Commission or any officer, not below the rank of a Gazetted Officer, specially authorized in this behalf by the State Commission may enter any building or place where the State Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and

Power of seizure.

may seize any such document or take extracts or copies there from, subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.

254. No Court shall take cognizance of an offence punishable under this chapter except upon a complaint, in writing, made by the State Commission or by any officer duly authorized by the State Commission in this behalf. Cognizance offences.

255. Nothing in this chapter or any rule or regulation made thereunder or any instrument having effect by virtue of this chapter or the rule or the regulation made thereunder shall have effect in so far as it is inconsistent with any provisions of the Consumer protection Act, 1986. Inconsistency laws.

256. The State Commission may, by general or special order in writing, delegate subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this chapter, except the power to adjudicate disputes under clause (d) of sub-section (2) of section 259, as it may deem necessary. Delegation. to any

257. Save as otherwise provided in section 255, the provisions of this chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Ov erriding effect.

258. (1) The State Government may, by notification, make rules to carry out the purposes of this chapter. Power of S Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the sa1ary, allowances and other terms and conditions of service of the chairperson and the other members under sub-section (2) of section 235; (b) the Form and the manner in which, and the authority before whom, the oath of office and secrecy shall be subscribed under sub-section (4) of section 235;

(c) the

Form in which, and the time at which the State Commission shall prepare its budget under section 244;

(d) the Form in which the annual statement of accounts sha11 be prepared by the State Commission under sub-section (1) of section 245;

(e) the Form in which, and the time within which' the annual report shall be furnished under sub-section (1) of section 246;

(f) any other matter which may be, or is required to be, Prescribed by rules.

Power of State Commission to make regulations.

259. (1) The State Commission may, by notification, make regulations consistent with this Act and the rules make thereunder to carry out the purposes of this Act.

(2) ln particular and without prejudice to the. generality of the foregoing power, such regulations may provide for all any of the following matters, namely:-

(a) the powers and the duties of the Secretary under sub-section (1) of section 237;

(b) the salary and allowances and the other terms and conditions of service of the Secretary and the other officers and other employees under sub-section (3) of section 237;

(c) the terms and conditions of appointment of consultants under sub-section (4) of section 231;

(d) the manner in which the rates of user charges shall be determined under section 243;

(e) any other matter which may be, or is required to be, provided by regulations.

Chapter-XXVII

Communication Systems

A. Public Streets

260. For the purposes of this Act,-

Surface transp system accessories.

(a) the surface transport systems shall include streets, roads, footpaths, pedestrian pathways, parking areas, transportation terminals, both for passengers and goods, bridges, subways, over-bridges, ferries and inland water transport systems, and

(b) the transport system accessories shall includes traffic engineering schemes, street furniture, street lighting, parking lots and bus stops.

Vesting of pu street in Municipal

261. (1) Subjects to the provisions of chapter XXI, all public streets and parking areas in any municipal area including the soil, sub-soil, stones, other materials, side-drains, footpaths, pavements, sub-ways and over-bridges and all erections, implements and trees and other things provided therein, shall vest in the Municipality:

Provided that no public street in the municipal area, which immediately before the commencement of this Act vested in the State Government or in any authority under any law for the time being in force, unless so directed by the authority competent to take a decision in this behalf vest in the Municipality by virtue of this sub- section.

(2) The State Government may, subject to such terms and condition as it may determine, by notification-

(a) transfer to any Municipality any public street or parking area belonging to it, or

(b) take over from any Municipality any public street or parking area, or (c) transfer such public street or parking area, so taken over, to any authority under any law for the time being in force, or any other agency, for a limited period for the purpose of proper maintenance and development of such public street or parking area by such Municipality or the State Government or such authority or agency' as the case may be.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall maintain a register, in such Form, and in such manner, as may be specified by regulations, and such register shall separately include a list of all public streets vested in the Municipal or in such authority or agency.

(4) Thu Municipality may publish, in such Form, and in such manner, as may be provided by regulations, the contents of such register for sale to the public.

Functions Municipality respect of pu streets etc.

262. (1) Subject to the provisions of section 10, the Municipality or any other agency, as the case may be, shall cause all public streets' parking areas, squares, sub-ways or over-bridges vested in it to be developed, maintained, controlled and regulated in accordance with the provisions of this Act and the regulations made thereunder.

(2) The Municipality or any other agency, as the case may be, shall, from time to time' cause all public streets vested in it to be levelled, metalled, paved, chandelled, altered or repaired, and may widen extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and repair fences and guardrails thereon for the safety of pedestrians.

Power to make new public streets etc.

263. Subject to the provisions of section 10, the Municipality or any other agency, as the case may be, may, at any,-

a) lay out and make new public streets, or

b) construct bridges or sub-ways, or

c) turn or divert any existing public street, or

d) lay down and determine the position and direction of a street or streets in any part of the municipal area notwithstanding that no proposal for the erection of any building in its vicinity has been received, or

e) declare any street, made and duly constructed under any scheme or any development or improvement scheme in pursuance of the provisions of any law for the time being in force, to be a public street, or

f) declare any private street to be a public street.

Minimu m width new public street.

264. No new public street made, or declared as such, under of this chapter. shall be less than ten metres in width including the footpath:

Provided that such width may be reduced by the Municipality in the case of a class ‘C’ municipal area or a transitional area, for reasons to be recorded in writing, but the width shall in no case be less than six meters.

Acquisition of lands and buildings for parking places and transportation terminals.

265. (1) The Municipality may, subject to the other provisions of this Act, require to be acquired- thereon for the purpose of opening, widening, extending or otherwise improving any public street, parking or transportation terminal, square,

park or garden or making a new one or for enforcing the regular line of street,

(b) in relation to any land or any structure including building as aforesaid, such land or structure including building as the Municipality may think expedient, outside the regular line or projected regular line of the public street as aforesaid, and

(c) any land for the purpose of laying out, or making a public parking place.

(2) Where any land or structure including building is required to be acquired under subsection (1) and the Municipality is satisfied that the remaining portion of the land will not be suitable or fit for any beneficial use to the owner, it shall, at the request of the owner, proceed for the acquisition, in addition, of such remaining portion of the land which shall, on acquisition, vest in the Municipality.

(3) Where any land or structure including building is required to be acquired under sub-section (1) or sub-section (2), the procedure for such acquisition as provided in this Act shall apply.

266. (1) The Municipality may permanently close the whole any part of a public street in the public interest or for the purpose of carrying out the provisions of this Act:

Perman ent closure sure of public street.

Provided that before closing such public street, the Municipality shall' by notice published in such manner as may be provided by regulations, give an opportunity to the residents likely to be affected by such closure to make suggestions or objections, with respect to such closure, within one month from the date of publication of the said notice, and shall consider all such suggestions, or objections.

(2) Whenever any public street or part thereof is permanently close under sub-section (1) the site of such street or any portion thereof may be disposed of as land vested in the Municipality.

267. The Chief Municipal Executive officer/ Municipal Executive Officer may temporarily close the whole or any part of a public street to permit development and street and may authorize such closure for other purposes for any period not exceeding fifteen days.

Tempor ary closure sure of public street.

268. (1) The Municipal may close any portion of a public street and declare it as a parking area, (2) Parking fees at different rates for different types of vehicles, in different areas' for different times of the day, and for different durations may be levied at such rates as may be determined by the Municipality by regulations from time to time.

Closure of pu street for parl purpose s and levy of parking fee.

269. (l) If any privates street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, and lighted to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer, he may or on the requisition of a majority of the owners of such private street, shall declare such street to be a public street and, thereupon, the street shall vest in the Municipality.

Rights of owners to require streets to be declare d public.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, at any time, by a notice fixed up in any street or part thereof, not maintainable by the Municipality, but which has already been levelled,

paved, metalled, flagged, channelled, drained, sewered, conserved and lighted to his satisfaction, give intimation of his intention to declare such street or part thereof to be a public street, and unless within thirty days of such notice, the owner or any one of the several owners of such street or such part of a sheet, lodges objection thereto at the office of the Municipality, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, put up in such street or part thereof, declare such street or part thereof, as the case may be, to be a public street vested in the Municipality.

B. Traffic Engineering Schemes, Street Furniture, parking Lots and Bus Stops.

270. The Municipality may, either on its own or through any other agency authorized by it in this behalf, as and when necessary having regard to the abutting land uses and traffic flow patterns, implement traffic engineering schemes to ensure public safety, convenience and expenditure movement of traffic including pedestrian traffic.

Traffic engineering schemes.

271. Subject to the provisions of section 10, the Municipality shall, either on its own or through any other agency authorized by it in this behalf, from time to time, cause various items of street furniture including fences, guardrails, traffic lights signs, street markings, median strips, bus stops and any other item to be installed or done, and shall cause them to be maintained so as to ensure public safety and convenience and expeditious movement of traffic including pedestrian traffic.

Street furniture and bus stops.

C. Street Lighting

272. (l) The chief Municipal Executive officer/Municipal Executive officer shall, either on his own or through any other agency:-

(a) take measures for lighting, in a suitable manner, such public streets and public places as may be specified by him,

(b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the purpose of lighting, and

(c) cause such lamps to be lighted by appropriate means.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer or any other agency may attach to the outside of any building brackets for lamps in such manner as it may not cause any injury or inconvenience thereto.

Measures lighting,

Chapter-XXVIII

Market, Commercial Infrastructure and Slaughterhouses

273. Subject to the provisions of chapter-XXl, the Municipality may, either on its own or through any other agency authorized by it in this behalf implement any scheme for construction, operation, maintenance and management of commercial infrastructure including district centers, neighbourhood shopping centers, shopping malls and office complexes' and may rent out, lease or dispose by outright sale, such commercial infrastructure or any part thereof.

Commercial Infrastructure

274. (l) The Chief Municipal Executive Officer/Municipal Executive Officer may, either on his own or through any other agency, provide and maintain in the municipal area such number of municipal markets, slaughter houses or stockyards, as he thinks fit' together with stall, shops, sheds, pans and other

Provision municipal mark and slaugh houses.

buildings and conveniences for the use of persons carrying on trade or business and may provide and maintain in any such markets, buildings or other places, machines, weight, scales and measures for the weighment or measurement of goods sold thereon.

(2) Subject to such directions as the Municipality may give in this behalf, the Chief Municipal Executive Officer Municipal Executive Officer any other agency, as the case may be, may, after giving u notice, close any municipal market or slaughter houses or stockyard or any portion thereof on and from the date specified in the notice, and the premises occupied for any municipal market, slaughterhouses or stockyard or any portion thereof so closed may be disposed of as the property of the Municipality.

275. (1) No person shall, without the general or special permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer, sell, or expose for sale, any animal or article in any municipal market within the municipal area. Use of munic markets.

(2) Any person contravening the provisions of subsection (1) and any animal or article exposed for sale by such person may, by or under the order of the Chief Municipal Executive Officer/ Municipal Executive Officer, be summarily removed from the market by a police officer or any officer or other employee of the Municipality authorized by the Chief Municipal Executive Officer/Municipal Executive Officer in this behalf.

276. Subject to such regulations as may be made from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, either on his own or through any other agency, as the case may be, may charge stallage, rent or fee for the occupation or use of facilities in a municipal market or a municipal slaughterhouses. Levy of stallage, rent and fee.

URBAN ENVIRONMENTAL MANAGEMENT

COMMUNITY HEALTH AND PUBLIC SATETY

Chapter - XXIX

Local Agenda for Urban Environmental management

277. (1) Subject to the provision of section 10, and having regard to the Iinkages between urban economy, infrastructure, productivity, poverty and environmental health in the municipal area, the Municipality shall take adequate measures for – Duties Municipality.

(a) management of urban environment
(b) measuring quality of living and working environment, (c) monitoring of pollution levels and
(d) undertaking health risk assessment.

(2) For carrying out the purposes of sub-section (1), the Municipality shall involve such professional agencies and community based organization, either in the public sector or in the private sector, as may be necessary, to –

(a) carry out studies on vulnerability and risk assessment,
(b) enhance the capability of concerned municipal or other agencies through research and training activities for better management of environment, (c) prepare environmental management strategy and action plan, and establish adequate institutional framework for its implementation, and provide and manage environmental infrastructure services.

278. (1) Subject to the provision of section 10 and without prejudice to the generality of the provisions of section 271 ,the Municipality shall, either by itself Functio n in relation to u

or through any other agency, undertake functions relating to the following matters :-

environmental management submission of report on environmental status of municipal area.

(a) supply of safe water,
(b) low cost sanitation.
(c) environmentally sound solid waste management,
(d) toxic waste collection and disposal,
(e) waste recycling and recovery,
(f) Preservation of wetlands,
(g) control of air Pollution,
(h) control of sound Pollution,
(i) control of cattle and other animal in the municipal area.
(j) area improvement and resettlement,
(k) promotion of urban agriculture and urban forestry.
(l) development of parks, gardens and open spaces,
(m) promotion of community awareness on environmental education and (n) such other matters as the Municipality may consider necessary.

(2) The Municipal Executive Officer shall prepare and submit a report on the environmental status of the Municipal area at the time of submission of the budgets estimates.

Chapter - XXX

Environmental sanitation and community health

A. Duties and general powers

279. It shall be the duty of the Municipality or any other agency authorized by it in this behalf to take adequate measures for each of the following matters, namely:-

Duties Municipality environmental sanitation.

(a) inspection, supervision, regulation and control of premises to ensure proper environmental sanitation,
(b) regulation of public bathing and washing
(c) provision and maintenance of public conveniences, (d) licensing of animals and control of stray animals (e) licensing of butchers and slaughterhouses and (f) Control of nuisances.

280. Subject to such regulations as may be made in this behalf, the Chief Municipal Executive Officer/Municipal Executive Officer may, either on his own or through any other agency authorized by him in this behalf:-

Powers of the Chie Municipal Executiv Officer/ Municipal Executive Officer.

(a) cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof.
(b) require the owner or the occupier of any land or building or any Part thereof.
(c) issue such order as he deems necessary for the improvement of any in- sanitary huts and sheds and untenanted premises which are likely to cause risk of diseases to the inmates thereof or to the inhabitants of the neighbourhoods or are for any reason, likely to endanger community health or safety,
(d) by notice, prohibit the owner or the occupier from the cause of any buildings, or any room in a building, which appears to him to be unfit for human habitations, as dwelling or
(e) direct the filling up of any well, pool, ditch, tank, pond, pit or undrained ground, cistern or reservoir of any waste or stagnant water'

which appear to him to be, or likely to become, injurious to health or offensive to the neighbourhood.

Power to regulate Excavation.

281. (1) The Chief Municipal Executive Officer/Municipal Executive Officer may, by a general order, or by a especial order affecting such portion of the municipal area as may be specified therein, prohibit-

(a) the making of excavation for the purpose of taking earth there from or strong rubbish or offensive matter therein or

(b) the digging of cesspool, tanks, ponds, wells or pits, without his special permission.

(2) No persons shall make any excavation referred to in clause (a), or dig any cesspool, tank, pond, well, or pit referred to in clause (b), of sub-section (1) in contravention of any such order.

(3) If any such excavation is made, or any such cesspool, tank, pond, well or pit is dug in contravention of the order under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the owner or the occupier of the land, on which such excavation is made or such cesspool, tank, pond, well or pit is dug, to fill it up with earth or other material approved by him.

Power to requ

282. (l) The Chief Municipal Executive Officer/Municipal Executive Officer may, such tree, shrubs or hedge in a trim condition, and remove any such trees, shrubs and hedge, if it obstructs traffic on any street or poses a danger to public safety or overhangs any street causing inconvenience or danger to the passer - by.

(2) If it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that immediate action is necessary for public safety, he may, without notice as aforesaid cause such tree; shrub or hedge to be removed from the land and the expenses thereof shall be paid by the owner or the occupier of such land.

B. Regulation of public bathing, washing etc.

283. The Chief Municipal Executive Officer/ Municipal Executive Officer may, by

Regulation of order-

public bathing

etc.

(a) regulate the use by public of any river or other public place, whether vested in the Municipality or not, for bathing or washing,

(b) prohibit the use by the public of any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or any part of any river, whether vested in the Municipality or not, for bathing or washing

(c) prohibit steeping in any tank, reservoir, stream, well or ditch of any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health.

(d) Prohibit bathing in any lake tank, reservoir, fountain, cistern, duct, standpipe, stream or well by a person suffering from any contagious of infectious disease,

(e) Prohibit any person engaged in any trade or manufacture from causing to flow into any lake, tank, reservoir, cistern, well, duct or other place for storage of water, whether vested in the Municipality or not, or drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture, or wilfully do any act connected with any such trade or manufacture whereby such water is likely to be fouled or corrupted or

(f) Prohibit by notice, the washing of cloths by washer-men in

pursuance of their calling, except at such places as may be licensed for this purpose.

C. Public Conveniences

284. (1) The Municipality snail, by itself or through any other agency, provide and maintain in proper convenient places a sufficient number of public, latrines and urinals for use by the public. Public latrine urinals.

(2) Such public latrines and urinals may be so constructed as to provide separate compartment for each sex.

D. General Provisions

285. No person shall- Prohibition nuisances.

(a) commit any nuisance in any public street or public place, or
(b) unauthorized affix upon any building, monument, post, well, fence, tree or other thing, any bill, notice or other document, or
(c) unauthorized deface, or write upon, or otherwise mark, any building, monument, post, wall, fence, tree or other thing or
(d) carry rubbish filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Municipal Executive Officer by notice or
(e) bury or cremate or otherwise dispose of any corpses at a place not licensed for the purpose or
(f) disturb public peace or order in violation of sound pollution control order, if any or
(g) cause pollution of air in violation of air pollution control order, if any or (h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.

(2) Where the Chief Municipal Executive Officer/Municipal Executive Officer is of the opinion that there is a nuisance on any land or building, he may, by notice, in writing, require the person by whose act, default or sufferance the nuisance arises, or continues or all of the owners, Iessees or occupier
of such land or building to remove or abate the nuisance by taking such measure, in such manner, and within such period, as may be specified in the notice.

(3) Where the Chief Municipal Executive Officer/Municipal Executive Officer is of the opinion that immediate removal of any nuisance continuing on any land or building in contravention of the provisions of this Act is necessary he may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.

286. Subject to the provisions of any law relating to air, water or noise pollution Contr
ol of pollution. for the time being in force and in accordance with any notification by the State Government in that behalf, the Municipality may function as a competent authority for the enforcement of such law.

287. Where in any Municipal area, any well, tank, reservoir, pool, depression or Power to requ
repairs, protection or enclosure and is a nuisance or is dangerous to passers-by, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the owner or the part-owner thereof, or failing any of them, the occupier thereof, to repair, protect or enclose it in such manner as he thinks necessary, and if in the opinion of the Chief Municipal Executive Officer Municipal Executive Officer, the danger is imminent, he shall forthwith take such steps as he thinks necessary to avert such danger.

288. No person shall quarry, blast, cut timber, or carry on building operations in Quarryi
ng, blasting, such manner as to cause, or is likely to cause, danger to persons passing by, or cutting timber

289. If, within any municipal area, any land or building, by reason of its being Power to s

abandoned or unoccupied :-

improper use of land or building.

(a) is in a filthy or unwholesome state or

(b) has becomes a resort of –

i. Idle and disorderly Persons, or

ii. persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or

(c) is used for gambling or immoral purposes or

(d) is likely to occasion a nuisance.

The Chief Municipal Executive Officer/Municipal Executive Officer may, after due enquiry, by notice, in writing, require the owner or the part owner or any person claiming to be the owner or the part owner of such land or building, or the lessee, or any person claiming to be the lessee thereof to –

i. secure, enclosed, cleanse or clear such land or building, or

ii. stop use of such land or building for gambling or immoral Purpose or iii. abate the nuisance

Within such time as may be specified in the notice, and affix a copy of such notice on the door of the building or on some conspicuous part of the land as the case may be.

290. The Municipality may, by regulations, provide for recovery of charges and

Pol

luters to pay. imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter.

Chapter - XXXI

Restraint of infection

291. (1) It shall be the duty of the Municipality to take such measures as are necessary for preventing, or checking the spread of any dangerous diseases in

Munici

pality to the

municipal area or of any epidemic disease among any animals therein. prevent and check

dangero

us diseases.

(2) Any persons, whether as a medical practitioner or otherwise, being in charge of or in attendance upon, any other person whom he knows or has reason to believe to be suffering from a dangerous diseases, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information respecting the existence of such disease to the Chief Municipal Executive Officer/Municipal Executive Officer.

292. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, Power of the Chief at any time, by day or by night, and with or without notice, inspect any place in

Municipal Executive Officer/

Municipal Executive which any dangerous diseases is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such diseases beyond

Executive Officer to such place, and shall forthwith send information thereof to the State inspect any pl

Health Department of the State in the district.

to prevent spread of dangerous diseases.

(2) When any person suffering from any dangerous disease is found to be :-

(a) without proper lodging or accommodation or

(b) living in a room or house which he neither owns nor pay rent for , nor occupies as a guest or relative of the person who owns, or pay rent for such room or house, or

(c) living in a *sarai*, hotel, boarding-house, or hotel or

(d) lodged in premises occupied by members of two or more families.

The Chief Municipal Executive Officer/Municipal Executive Officer or any person authorized by him in this behalf may, on the advice of any Medical Officer, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment and may do anything necessary for such removal.

Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to cleanse, destroy, places of infection.

293. (1) The Chief Municipal Executive Officer Municipal Executive Officer may cleanse, or disinfect, or cause destruction of, any building, hut or shed, water source or lodging and eating house, if in his opinion, such cleansing, disinfection or destruction would tend to prevent or check the spread of any dangerous disease, and in case of emergency, he may cause such cleansing, or disinfect, disinfection to be done by the employees of the Municipality at the cost of the owner or the occupier of such place, or at the cost of the Municipality, if in his opinion, such owner or the occupier is unable to pay the cost owing to Poverty.

(2) Where the Chief Municipal Executive Officer/Municipal Executive Officer is satisfied that the destruction of any building, hut or shed, or clothing, or article is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may cause such building, hut or shed, or clothing, or article to be destroyed :

Provided that compensation may be paid by the Chief Municipal Executive Officer/Municipal Executive Officer to any person who loss substantially by the destruction of such building, hut or shed, or clothing or article.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may, on being satisfied that it is in the public interest so to do, by order, in writing, direct that any lodging house or any place in the municipal area where articles of food and drink are sold, or prepared, stored or exposed for sale, being a lodging house or place in which a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order :

Provided that such lodging house or place may be declared to be open, if the Municipal Health Officer certified that it has been disinfected or is free from infection.

(4) The Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorized by the Municipality may, at all reasonable times, enter into and inspect, any market, building, shop, stall or place, used for the sale of food or drink, or as a slaughterhouse, or for the sale of drugs, and inspect and examine any food, drink, animal or drug, which may be therein, and if any article of food or drink, animal or drug therein intended for the consumption of persons, appears to be fit therefore, he may, by notice, restrict the sale of such food, drink, animal or drug, in such manner and for such period as he may deem fit.

(5) If the Chief Municipal Executive Officer/ Municipal Executive Officer is of the opinion that the water in any well, tank, or other place in the municipal area is likely to cause the spread of any disease, he may, by notice, in writing, prohibits the removal or use of such water for drinking, and require the owner or the person having control of such well, tank, or other place to take such steps as may be required by the notice to prevent the public from having access to, or from using, such water and may take such other steps as he may consider expedient to prevent the outbreak or spread of such disease :

Provided that in the case of an emergency, the Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorized by him in this behalf may, with or without notice and at any time, inspect

and disinfect any well, tank or other place from which water is, or is likely to be taken for the purpose of preventing the spread of any dangerous disease.

Special measures in case of outbreak of dangerous or epidemic diseases.

294. (1) In the event of any municipal area or any part there of being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Chief Municipal Executive Officer/ Municipal Executive Officer may, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose of preventing the outbreak of such disease, with the previous approval of the Municipality :

(a) take such special measures and

(b) by notice, give such directions to be observed by the public or by any class or section of the public as he thinks necessary to prevent the outbreak of such disease :

Provided that where, in the opinion of the Chief Municipal Executive Officer/Municipal Executive Officer, immediate action is necessary, he may take such action without such approval and, if he does so, he shall forthwith report such action to the Municipality.

(2) Any person, who commits a breach of any direction given in the notice under clause (b) of sub-section (1) shall be deemed to have committed as offence under section 188 of the Indian Panel Code (45 of1860).

Means disinfection.

295. (l) The Municipality may, in its discretion, or shall, when the State Government so direct :

(a) provide proper places within the municipal area with necessary attendants and apparatus for disinfection of conveyances, clothing, beddings, or other articles which have been exposed to infection, and

(b) cause conveyances, clothing, beddings or other articles brought for disinfection, to be disinfected, either free of charge or on payment of such charges as it may fix.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may notify places at which such conveyances, clothing, beddings or other articles, which have been exposed to infection, shall be washed and if he does, so no person shall wash any such conveyances, clothing, beddings or other articles at any place, not so notified, without previous disinfection.

(3) The Chief Municipal Executive Officer Municipal Executive Officer may direct the destruction of any clothing, bedding, or other article likely to retain infections and may give such compensation as he thinks fit for any clothing, bedding or other article, so destroyed.

Special conveyance for carrying infected persons.

296. (1) Subject to such regulation as may be made in this behalf, the Chief Municipal Executive Officer Municipal Executive Officer may, either on his own or through any other agency, provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous diseases or dead bodies of persons who died of any such disease.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, provide for disinfection of any public conveyance, which has carried any person

suffering from a dangerous disease, or the corpses of a person who died of any such disease.

Prohibitions.

297. Subject to such regulation as may be made in this behalf, the Chief Municipal Executive Officer/ Municipal Executive Officer may prohibit :

(a) the letting out of any infected building without being first disinfected.

(b) the disposal of infected articles without disinfection,

(c) the washing of any infected clothes by any washer man or laundry and (d) the making and selling of food, or washing of cloths, by infected person.

Chapter - XXXII

Disposal of the dead

298. (1) No Person shall :

(a) retain a corpse on any premises without burning, burying or otherwise lawfully disposing it of, for so long a time after death as to create a nuisance.

Acts prohibited connection disposal of dead.

(b) carry a comes, or part of a corpse, along any street without having or keeping such corpse or part of a corpse decently covered or without taking such precaution to prevent risk of infection or injury to the community health as the Chief Municipal Executive- Officer/Municipal Executive Officer may, by notice, from time to time, think fit to require. (c) carry, except when no other route is available, a corpse or part of a corpse along any street on which the carrying of corpse is prohibited by notice issued by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf.

(d) remove corpse or part of a corpse, which has been kept or used for purpose of dissection, otherwise than in a closed receptacle or vehicle. (e) place or leave, during its conveyance, a corpse or part of a corpse, on or near any street without urgent necessity.

(f) bury, or caused to be buried, any corpse or part of a corpse in the grave or vault or otherwise in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse, to be at a depth of less than two meters from the surface of the ground.

(g) Built, dig or cause to be built or dug, any grave or vault in any burial ground at a distance of less than one-half of a meter from the margin of any other grave or vault.

(h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line, not marked out of such purpose by or under the order of the Chief Municipal Executive Officer/ Municipal Executive Officer, (i) reopen for the interment of a corpse or of any part of corpse a grave or vault already occupied, without the written permission of Municipal the Chief Executive Officer/ Municipal Executive Officer,

(j) make, without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship.

(k) make without permission of the Chief Municipal Executive Officer Municipal Executive Officer, any interment or otherwise dispose of any corpse in any place which is closed under section 300,

(l) muild, dig or causing to be built or dug, any grave or vault, or in any way, dispose of or suffer or permit to be disposed at any place, which is not permitted under this chapter, without the permission

of the Chief Municipal Executive Officer Municipal Executive Officer,

(m) exhume without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, anybody from any place far the disposal of the dead except under the provision of the Code of Criminal procedure, 1973, (2 of 197 4) or any other law for the time being in force.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, in special cases, grant permission for any of the purpose referred to in clauses (j) to (m) of sub-section (1), subject to such general or special order as the State Government may, from time to time make in this behalf.

(3) Any contravention of the provision of clauses (j) to (m) of sub section (1) shall be deemed to be a cognizable offence within the meaning of the Code of Criminal procedure, 1973.

Registration of or places

299. (1) Subject to such regulations as may be made in the behalf every owner person having the control of any place already used for disposal of the dead for disposal but which is not vested in, or owned by the Municipality or any Board appointed by the State Government for administration of such place, shall submit to the Chief Municipal Executive Officer/ Municipal Executive Officer an application for registration of such place, containing such particulars as maybe specified by the Municipality within a period of three months from the date of commencement of this Act.

(2) lf the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied with the application and the particulars under sub-section (1), he may register such place on such terms and conditions as may be Provided by regulations.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may, with the approval of the Empowered Standing Committee, provide suitable and convenient place for the disposal of the dead within the municipal area, subject to the provisions of any State law regulating such land use or, in the of any provisions of any State law in this behalf in the municipal area, with the approval of the State Government.

(4) No place which has not previously been lawfully used or to registered for the disposal of the dead shall be opened for such disposal except in conformity with the provisions of any State law such land use or in the absence of any provisions of any State law in this behalf in the municipal area, with the approval of State Government.

Power to requ etc.

300.Where the Chief Municipal Executive officer/Municipal Executive Officer is neighbourhood or for any other reasons to be recorded in writing, he may, with the previous approval of the Empowered Standing Committee, and by notice in writing require the owner or the person in charge of such burning place or burial ground or place for the disposal of the dead, to close such burning place or burial ground or place for the disposal of the dead from such date as may be specified in the notice.

Disposal of d animals.

301. (1) Whenever any animal, which is under of the charge any person dies such person shall within twenty four hours of such death, either:

(a) convey the carcass to a place provided or appointed under this Act for the final disposal of carcasses of dead animals, or

(b) give notice of the death to the Municipal Executive Officer whereupon he shall the carcass to be disposed of.

(3) In respect of the disposal of the carcass of a dead animal under clause (b) of sub section (1) Chief Municipal Executive Officer/Municipal Executive Officer may charge such fee as may be determined by the Municipal by regulations.

(4) Where any dead animal does not belong to any person, the Chief Municipal Executive Officer/Municipal Executive Officer shall act immediately for causing the carcass to be disposed of.

Chapter – XXXIII

Urban Forestry, parks, Gardens, Trees and playgrounds.

302. (1) The Municipality shall take necessary steps for: Municipality implement schemes.

(a) Promotion of urban forestry.

(b) Creation of public parks and gardens and planting of trees, (c) Provision of park and playgrounds for children and youth. (d) Provision of street side gardens.

(e) Encouragement of nurseries, and

(f) Organization of flowers shows.

(2) The Municipality may from time to time take steps to promote awareness about the national heritage of flora and fauna among the school children and the youth.

(3) The municipality may from time to time take steps to promote harvesting of rain water in public parks, gardens and other open space under its administrative control campaign to promote public awareness for conservation for of rain water.

REGULATORY JURISDICTION

Chapter - XXXIV

Development Plans

303. Having regard to the provision of articles 243ZD and article 243ZEof the Constitution of India and of any State Law enacted under these articles a Municipality shall participate in the election of members of the District Planning Committee or the Metropolitan Planning Committee, as the case may be and such members shall actively represent the interests of the Municipality in such committees. Representation District Planning Committee Metropolitan Planning Committe

304. (1) Having regard to the draft development plan, as prepared by the District Planning Committee or the Metropolitan Planning Committee, as the case may be and as approved by the State Government, the Municipality shall implement such components of such development plan as relates to its jurisdiction and Municipality implement development plans.

carry out such function as may be assigned to it in this behalf.

(2) Without prejudice to the generality of the foregoing provisions of this section and subject to the provisions of section 10, the Municipality shall undertake :

(a) Preparation of plans for improvement under chapter XXXV and

(b) Plans for infrastructure development including water supply, drainage and sewerage, solid waste management, roads and transport system accessories.

Chapter XXXV

Improvement

305. (1) If it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that any block of building is in an unhealthy condition by reason of the manner in which the building are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleansing the buildings or by reasons of any other cause to be specified in writing, he Removal of congested buildings.

shall cause block of buildings to be inspired by the Chief Municipal Health Officer and the Chief Municipal Architect and Engineer , who shall consult the owners and the occupier of such block of buildings and the owners and the occupier of other building affected by the unhealthy condition and shall thereafter make a report in writing to him regarding the sanitary condition of such block of buildings.

(2) If, upon receipt of the report under subsection (1), the Chief Municipal Executive Officer/ Municipal Executive Officer considers that the sanitary condition of such block of building is likely to cause risk of disease to the inhabitants of that building or the neighbourhood or otherwise to endanger the community health, he shall with the approval of the-Empowered Standing Committee, select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of such block of building and may thereupon by notice, in writing, require the owners of such buildings to remove them within such period as may be specified in the notice :

Provide that before issuing the notice, a reasonable opportunity shall be given to the owners to show cause, either in writing or in person, why the buildings should not be removed :

provided further that the Chief Municipal Executive Officer/ Municipal Executive Officer shall for the removal of any such building, which may have been erected lawfully, pay compensation to the owner for any such building.

(3) If the notice under sub section (2) requiring an, owner of a building to remove such building is no complied with then after the expiration of the period specified in the notice, the Chief Municipal Executive Officer/ Municipal Executive Officer may himself remove the building and recover from the owner of the building the expenses of such remove as an arrear of tax under this Act.

306. (1) If upon information in his possession, the Chief Municipal Executive Officer Municipal Executive Officer is satisfied that any building is in any respect

Power to require Improvement of unfi

notice requiring him within such period, not being less than thirty days, as may be specified in the notice, to execute the works of improvement specified therein, and stating that in his opinion such works will render the building fit for human habitation.

(2) In addition to the notice served on the owner of the building under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may also serve a copy of the notice on any other person having an interest in the building, whether as a lessee or as a mortgagee or otherwise.

(3) In determining whether a biding can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render the building so fit and the estimated value which the building will have on completion of the works.

(4) If the notice under sub-section (1) requiring the owner of the building to execute the work of improvement is not complied with, then on the expiration of the period specified in the notice, the Chief Municipal Executive Officer/ Municipal Executive Officer may himself do the works required to be done by the notice and recover the expense incurred in connection therewith as an arrear of tax under this Act.

307. (1) Where, upon information in his possession, the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that any building is

Power to or demolition

person having an interest in the building, whether as a lessee or as a mortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If the owner of the building, or other person upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the chief Municipal Executive Officer/ Municipal Executive Officer and gives an undertaking that he shall, within a period specified by the Chief Municipal Executive Officer/ Municipal Executive Officer, execute such works of improvement in relation to the building as will, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, render the building fit for human habitation or that the building shall not be used for human habitation until the Chief Municipal Executive Officer/ Municipal
Executive Officer on being satisfied that it has been rendered fit for such habitation, cancels the undertaking, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not make an order of demolition of the building.

(3) If no such undertaking as is referred to in subsection (2) is given, or if, in a case where any such undertaking has been given, the works of improvement to which the undertaking relates are not carried out within the specified period or the building is used in contravention of the undertakings, the Chief Municipal Executive Officer/Municipal Executive Officer shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order, not being less than thirty days from the date of the order, and demolished within six weeks on the expiration of that period.

(4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein shall demolish such building within the period specified in the order and if such building is not demolished the building, the municipal executive officer shall sell the materials thereof.

(5) Any expenses incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer for carrying out the purpose of sub-section (4), which cannot be met out of the proceeds of the sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.

(6) In determining, for the purpose of this section and section 306, whether a building is unfit for human habitation, regard shall be had to its condition in respect of the matters, such as:

(a) Repairs,
(b) stability,
(c) freedom from damp,
(d) natural light and air,
(e) water supply,
(f) drainage and sanitary convenience and
(g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter.

and the building shall be deemed to be fit for human habitation only, if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for occupation in that condition.

(7) For the purpose of this section and section 306 "works of improvement" in relation to a building shall include any one or more of the following :

(a) necessary repairs,
(b) structural alterations,

(c) provision of light points and water taps,
(d) construction of drains, open or covered,
(e) provision of latrines and urinals,
(f) provision of additional or improvement fixtures and fittings,
(g) opening up or paving of courtyard,
(h) removal of rubbish, filth and other polluted and obnoxious matter and, (i) any other work including the demolition of any building or any part there of which. in the opinion of the Municipal Executive Officer, is necessary for executing any of the works as aforesaid.

(8) The provisions of this section and section 305 and section 306 shall not apply in relation to any building in any area which has been declared to be a slum area under any State law relating to improvement or clearance of slums.

308. If the Municipality, upon information in its possession in respect of any improvement built-up area within the municipal area, is satisfied that : Area scheme.

(a) the building in that area are, by reason of disrepair or sanitary defects, unfit for human habitation or are by reason of their bad arrangement or narrowness or bad arrangement of the streets or wants of light air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of that area or,
(b) because of bad layout or obsolete or undesirable dwellings, renewal of such area is necessary or,
(c) there is need to create new or improvement means of communication and facilities for traffic, and that the most satisfactory methods of remedying these defects is to prepare an area improvement scheme in respect of such area, the Municipality may pass a resolution so to do.

Explanation: - For the purpose of this section and section 309, the expression "built-up area" shall mean an area which in the opinion-of the Empowered Standing Committee is densely built up.

309. An area improvement scheme may provide for all or any of the following matters, namely : Matters to provided in area Improvement scheme.

(a) laying out, or relaying out, land, either vacant or already built upon,
(b) filling up, or reclamation, of low lying swampy or unhealthy areas or levelling up of land,
(c) redistribution of sites belonging to owners of property comprised in the scheme,
(d) reconstitution of plots,
(e) construction or reconstruction of buildings,
(f) restriction on the erection or re-erection of any building or any class of buildings,
(g) imposition of conditions and restriction in regard to the open spaces to be maintained around any building, percentage of built-up area for a plot, number, height and character of buildings allowed in specified areas, sub-division of plots, discontinuance of objectionable uses of land or building in any area for specified periods, parking spaces and loading and unloading spaces for any building and advertisement signs.
(h) closure or demolition of buildings or portion of buildings unfit for human habitations,
(i) demolition of obstructive buildings or portions thereof,
(j) laying out of new streets or roads and construction, diversion, extension, alteration, improvement and closing up of streets or roads

and other means of communication,
(k) regular line of street and prohibition of buildings within the regular line of streets,
(l) construction, alteration and removal of bridgesand other structures,
(m) provision for traffic engineering schemes, street lighting, street furniture and other convenience,
(n) provision for water supply, sewerage, surface or sub-soil drainage and sewage disposal,
(o) provision for open spaces,
(p) Preservation and protection of objects of historical importance or of national interest or of natural beauty and of buildings actually used for religious purpose and
(q) any other matter not inconsistent with the provisions of this Act and for which, in the opinion of the Municipality, it is expedient to make provision with a view to improving the area to which the scheme relates.

310. (1) Every area improvement scheme shall, as soon as may be after it has been prepared, be submitted for approval by the Chief Municipal Executive Officer/Municipal Executive Officer to the Municipality which may either approve the scheme with direction to the Chief Municipal Executive Officer Municipal Executive Officer to have a fresh scheme prepared according to such directions.

Submission of area improvement scheme to Municipality and State Government.

(2) No area improvement scheme approved by the Municipality under sub-section (1) which involves acquisition of land and provision of funding support from the State Government, shall be valid unless it has been approved by the State Government,

311. While preparing an improvement scheme under this chapter for any area the Chief Municipal Executive Officer/ Municipal Executive Officer may also prepare a scheme (hereinafter referred to in this Act as Re-housing scheme) for the construction, maintenance and management of such buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the area improvement scheme.

Re-housing scheme.

312. No area improvement scheme or re-housing scheme prepared under this chapter shall be valid unless such scheme is in conformity with the provisions of the structure plan, if any for the Municipal area.

Explanation: - "Structure Plan" shall mean a plan which provides a broad consideration the regional context, the transportation linkages and the issues relating to employment, shelter and environment.

Area improvement scheme to comply with structure plan. strat

313. Any area improvement scheme prepared under this chapter may be executed by the Municipality itself or by such person or authority as the Empowered Standing Committee may select under chapter XXI.

Execution of area improvement scheme.

314. Subject to the provision of this Act, the Municipality may require acquisition of any land or building, whether situated in the municipal area or not, for the purpose of :

Power to acquire land and building for area improvement

(i) opening out any congested or unhealthy area or otherwise improving

any portion of municipal area, or scheme.

(ii) erecting sanitary dwellings for working and poor people or

(iii) executing any development plan or scheme for the benefit of persons residing in the municipal area.

315. The Municipality may define the external limits of any slum and may, from time to time, alters such limit

Power of Municipality to define and to alter limits of slum.

316. (1) Notwithstanding anything contained in any other law for the time being in force, the Municipality may with the approval of the State Government prepared such improvement scheme for the purpose of effecting environmental or general improvement of slums as it may consider necessary and publish a copy of such scheme in such manner as may be prescribed.

Slum improvement Scheme.

(2) The slum improvement scheme may provide for all or any of the following matters:-

(a) water supply including sinking of tube wells, laying of water pipelines, installation of over header servoirs and flushing arrangement for privies and urinals,

(b) drainage and sewerage including connections with any existing channel or sewer main or laying or diverting of drains.

(c) Conversion of service privies into septic tank privies or water borne privies connected with sewer mains,

(d) Sewerage and garbage removal,

(e) Raising, lowering or levelling of land and improvement of pathways and passages,

(f) Lighting including laying of cables or over headlines,

(g) Improvement of huts or other structure and

(h) Such other matters as may be considered necessary for carrying out the purposes of this chapter.

(3) While approving any slum improvement scheme, the State Government shall take into account the activities of other agencies or authorities affecting all or any of the matters referred to in sub-section (2).

317. (1) If, at any time, it becomes necessary to acquire the right of user in any land in or around any slum for the purpose of implementing any improvement scheme in respect of such slum, the State Government may, on the recommendation of the Municipality in this behalf declare, by notification, its intention to acquire such right and inviting suggestion or objections from persons likely to be affected thereby within such time as may be specified in the notification.

Acquisition of right of user.

(2) Every suggestion or objection received under subsection(1) shall be heard by the Chief Municipal Executive Officer/ Municipal Executive Officer after giving an opportunity to all persons affected to make personal representation, if any,

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall submit a report to the Empowered Standing Committee after the hearing under sub-section (2) and after making such enquiry in this behalf as he may consider necessary.

(4) After considering the views of the Empowered Standing Committee, the State Government may, by notification declare that the right of user in such land which shall be acquired.

(5) With effect from the date of publications of the notification under sub-section (4), the right of user in such land shall vest in the Municipality free from all encumbrances.

Work to be executed slum.

318. Notwithstanding anything contained in the foregoing provisions of this chapter, the Municipal Executive Officer may, for reasons of environmental sanitation cause the following works to be executed in any slum :

(a) sinking of tube-wells inside a slum including laying of water-pipes lines, installation of over header servoirs and other appurtenances necessary to maintain flushing arrangements of privies and sewers,
(b) laying of drains or diversion of existing drains,
(c) conversion of service privies into connected privies or septic tanks, (d) removal of silt from sewers and sludge from septic tanks inside a slum, (e) removal of solid or liquid wastes from slums including cleansing of the deck or squatting platform of the connected privies or septic tanks, (f) laying of internal roads,
(g) provision of street lighting and
(h) repair work relating to any of the works referred to in clauses (a) to (e).

Chapter - XXXVI

Public streets

A. General Powers

Municipal Streets Technical Committe

319. (1) The Municipality shall constitute a Municipal Streets Technical Committee with the following elected members, namely :

(a) in the case of a Class "A" Municipal Council, five Councillors to be elected by the Municipal Council and
(b) in the case of a Class "B" or Class "C" Municipal Council or a Nagar Panchayat, three Councillors to be elected by the Class "B" or Class

"C" Municipal Council or the Nagar Panchayat as the case may be.

(2) In addition to the members mentioned in subsection(1), the Municipal Street Technical Committee shall have six other members namely:

(a) The Chief Municipal Executive Officer/ Municipal Executive Officer who shall be the convenor of the Committee,
(b) The Municipal Engineer,
(c) The Municipal Architect,
(d) A police officer, not below the rank of an Inspector or Police to be nominated by the Superintendent of Police of the District concerned and
(e) Two officers having responsibility for fire service and preparation of development plans (i.e. Town Planner) for the municipal area to be nominated by the State Government either from amongst the officers of the Municipality or from the officers of the concerned State Government Departments or any authority under any law for the time being in force.

(3) The term of the Municipal Streets Technical Committee shall be such as may be specified by the Chief Councillor and a new Municipal Streets Technical Committee shall be constituted before the expiry of the term of the existing Municipal Streets Technical Committee.

(4) The Municipal Streets Technical Committee shall meet at least once in a month.

(5) The Municipal Streets Technical Committee shall in order to secure the expeditious, convenient and safe movement of traffic, including pedestrian traffic and suitable and adequate parking facilities on and off the public streets and having regard to :

(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected and

(c) any other relevant matter referred to it by the Municipality.

aid, advise and assist the Municipality in the following matters namely :-

i. classification of public streets and specification of width thereof,

ii. prescription of regular line of street,

iii. regulation of abutting land uses,

iv. regulation of traffic, v. designation of on-street parking areas,

vi. allocation of rights of way for underground utilities,

vii. placement of street furniture,

viii. placement of authorized fixtures on streets such as electric and telegraph poles, post boxes, telephone junction boxes, sheds for buses and milk booths,

ix. opening of new public streets,

x. Permanent or temporary closure of existing public streets,

xi. declaring private streets as public streets and xii. any other matter that may be referred to it by the Municipality.

(6) The Municipal Streets Technical Committee shall make recommendation to the Municipality on any matter in conformity with the structure plan, or a scheme under section 308 or section 311 as the case may be or any other development and improvement scheme prepared by any competent authority under any law for the time being in force, and shall take into account such plans, proposals, surveys, studies and supporting technical data on such matter as might be in the possession of the Municipality or any planning or development authority or any Department of the State Government or any such competent authority.

Explanation: - "Structure Plan" shall have the same meaning as in the Explanation below section312.

(7) Municipal Streets Technical Committee may call for any record, document, map or data from the Municipality or any planning or development authority of any Department of the State Government or any other authority under any State law for the time being in force, and thereupon, it shall be the duty of such Department or authority to comply with such requisition.

(8) The Municipality shall consider the recommendation of the Municipal Streets Technical Committee and take such decision thereon as it think fit after taking into account plans, proposals, survey, studies and supporting technical data, if any, referred to in sub-section (6).

(9) If any doubt arises as to whether the decision under sub-section (8) is in conflict with any plan, scheme or Programme of any competent authority under any law for the time being in force, the matter shall be referred to the State Government whose decision thereon shall be final.

320. (1) Subject to the provision of section 10, the Empowered Standing Committee shall classify all public streets in the municipal area in the following categories :-

Classification of public streets.

(a) Category-I - arterial roads.

(b) Category-Il - sub-arterial roads.

(c) Category-Ill- collector roads,

(d) Category-IV - local

roads and,

(e) Category -V-

pedestrian pathways

(2) The classification shall be done with due regard to the traffic rule of the particular public street and the nature and volume of traffic on it, its existing width and abutting land uses :

Provided that the different names of public streets, which constitute essential parts of continuous traffic corridor shall not come in the way of their inclusion in any particular category.

(3) The Empowered Standing Committee shall from time to time specific the minimum widths of different categories of public streets with regard to the existing widths of such streets as may be included in such categories :

Provided that the minimum width of any public street included in category I or category II or category III or category IV shall be not less than ten meters including the adjoining footpath, if any and that of a public street included in category V shall be not less than six meters :

Provided further that such minimum widths may be revised by the Empowered Standing Committee from time to time.

(4) The classification of the public streets in different categories maybe revised from time to time.

Compulsory provisi footpaths.

321. (1) The Municipality shall ensure within a reasonable time and subject to the availability of resources, that all public streets under category I , Category II and Category III have raised footpath adjoining such public streets.

(2) Notwithstanding the existing situation the Empowered Standing Committee shall specify different minimum widths for footpaths which are adjacent to the public streets under Category I, Category II or Category III so as to be not less than one and a half meters on each side in any case :

Provided that more than one minimum width may be specified for the foot path abutting each category of public streets so as to provide for different requirements owing to different abutting land uses:

Provided further that while prescribing or revising any regular line of a public street, it shall be stipulated that the specification of minimum width for footpaths shall be complied with.

(3) The minimum widths referred to in sub-section (2) may be revised by the Empowered Standing Committee.

322. (l) The Municipality shall –

Naming

vested in it shall be known,

(b) cause to be put up or painted at a conspicuous part of any building, wall or place at or near each end, corner or entrance of such streets or some convenient part of such street, the name or number by which it shall be known, and

(c) Cause to be put up or painted on boards of suitable size the name of any public place vested in the Municipality.

(2) The Municipality may have regard to the hierarchy of the street system, by regulations, specify the norms according to which the streets may be named or numbered.

(3) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number put up or paint any name or number or sub-number different from that put up or painted by order of the Municipality.

Unique pren number.

323. (1) Municipality shall, when so required by the State Government, assign a unique premises number to every premises or part thereof in the municipal

area and shall cause to be maintained a register wherein such unique premises number shall be recorded in respect of each such premises.

Explanation :- In this section, the expression "unique premises number" shall mean a number assigned to the premises or part thereof by the Municipality in the following manner, namely :-

(a) the first three digit indicating the ward number,
(b) the next three digit indicating the street number,
(c) the next four digit indicating the premises number,
(d) the next three digit indicating the sub-premises number,
(e) the next one digit indicating the code of the building use, such as residential, commercial, industrial or other use, and
(f) The last one digit indicating the code of type of construction.

(2) When the unique premises number in respect of premises in any ward of the Municipality have been determined, the Chief Municipal Executive Officer/Municipal Executive Officer shall notify such unique premises number in such manner as maybe prescribed.

(3) When, after the unique premises numbers in respect of premises in any ward have been notified under sub-section (2), any person is required under this Act or any other State law to make any application to the Municipality for any permission or license or for payment of any tax, or for payment of any dues for any service or for such other purposes as maybe prescribed, the person making the application shall mention in the application the unique premises number assigned under subsection (1).

Rights of way for Underground utilities.

324. Subject to the provisions of the Indian Telegraph Act1885 (13 of 1885), the Indian Electricity Act, 1910 (9 of1910) and such other laws as may be notified by testate Government for the purposes of this section, the State Government may, by rules provide for the following namely:-

(a) the sanction by the Municipality of specific rights of way in the sub-soil of public and private streets in any municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipe, water supply, drainage and sewerage, and underground rail system, pedestrian sub-ways, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto provided by testate Government or any statutory body or any licensee under any of the above mentioned Acts or other laws,
(b) the levy of any fee or charge under any of the Acts or other laws as foresaid,
(c) the furnishing to the Municipality of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities in the municipal area,
(d) the fixing of time limit for execution of work and imposing of such conditions in this respect as the Municipality may consider appropriate and
(e) The imposing of penalty in case of delay in the completion of work.

Maps of underground utilities.

325. The Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained complete survey maps, drawing and descriptions of all underground utilities in the municipal area and maps of fire hydrants and sewerage man holes in such form and in such manner as may be provided by regulations and shall ensure the secrecy of the same inconformity with the provisions of any law relating to right to information.

326. (l) The Municipality may by notice, in writing :-

Power to prohibit use of public streets for certain kind of traffic.

(a) prohibit or regulate, either temporarily or permanently, vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality,

(b) prohibit, in respect of a public street or a portion thereof, the transit of any vehicle of such type, form, construction, weight, emission or size or of any vehicle laden with such heavy or unwieldy object as is likely to cause injury to the roadways or any construction thereon, or of any vehicle on the ground of public convenience, except under such conditions as to time, mode of traction or locomotion use of appliances for the protection of roadways, number of light and assistants and other general precautions and on payment of such charges as may be specified by the Municipality generally or specifically in each case, (c) Prohibit at all times or during any particular hours, entry of any vehicular traffic from or exit of such vehicular traffic into any premises from any particular public street carrying such traffic.

(2) Any notice under sub-section (1) shall, if such notice applies to any particular public street, be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which such notice applied or if such notice applied generally to all public streets, be advertised.

(3) Notwithstanding anything contained in sub - section (1), the Municipality may declare by notice in writing that any pedestrian pathway or a portion thereof shall be used as bicycle and pedestrian track.

(4) The notice referred to in sub-section (3) shall be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which the provision of sub-section (3) apply.

B. Regular line of Street

Defining regular line of street.

327. (1) The Municipality may, with due regard to the minimum widths specified for various categories of street including the footpaths adjoining the same, define the regular line on one or both sides of any public street or portions thereof in accordance with the regulations made in this behalf and may redefine at any time any such regular line :-

Provided that before such defining or redefining, as the case may be, the Municipality shall, by notice, afford a reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed defined or redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of publication of such notice:

Provided further that the street alignment of any public street operative under any law for the time being in force in any part of the municipal area immediately before the commencement of this Act shall be deemed to be the regular line of such public street defined by the Municipality under this sub-section.

(2) The line defined or redefined shall be called the regular line of the street.

(3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street.

(4) The Chief Municipal Executive Officer/ Municipal Executive Officer shall maintain a register containing such particulars as may be specified by the Municipality in this behalf, with plans attached thereto, showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which he may deem necessary.

(5) All such registers shall be open to inspection by any person on payment of such fee, and any extract there from may be supplied on payment of such charge, as may be determined by the Municipality by regulations.

Setting back Building to Regular line

328. (1) If any part of a building on a public street is within the regular line of that street, the Municipality may, whenever necessary:-

(a) To repair, rebuild or construct such building or to pull down such building to an extent, measured in cubic metre, exceeding one-half thereof above the ground level or.

(b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building, which is within the regular line of the street, by order, as respects the additions to, or rebuilding, construction, repair or alterations of, such building, to be set back to the regular line of such street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by reason of any order of the Municipality or otherwise, pulled down, the Chief Municipal Executive Officer/ Municipal Executive Officer may forthwith take possession, on behalf of the Municipality, of the portion of the land within the regular line of the street thereto occupied by such building and, if necessary clear the same.

(3) Any land acquired under this section shall be deemed to be a part of the public street and shall vest in the Municipality.

Compulsory se back of building to regular line of street

329. (1) Where any building or any part thereof is within the regular line of a public street and, in the opinion of the Municipality, it is necessary to set back such building or part thereof to the regular line of such street, the Chief Municipal Executive Officer/Municipal Executive Officer shall, by a notice served on the owner of such building in accordance with the provisions of this Act, require him to show cause, within such period as may be specified in the notice, as to why such building or part thereof, which is within the regular line of such street, should not be pulled down and the land within the regular line acquired by the Municipality.

(2) If the owner fails to show cause as required under sub-section (1), the Chief Municipal Executive Officer Municipal Executive Officer may, with the approval of the Municipality, require the owner, by another notice to be served on him in such manner as maybe specified by regulations, to pull down the building or part thereof, which is within the regular line of the street, within such period as may be specified in the notice.

Setting forward building to regular l street.

330. The Municipality may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may require any building to be set forward in the case of reconstruction thereof or of a new construction.

Explanation: - For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building, and it shall be deemed to be a sufficient compliance with the permission or the requirement to set forward a building to the regular line of a street, if a wall of such materials and dimensions, as are approved by the Municipality, is erected along such line.

Acquisition of land and land occup by

331. If any land, whether open or enclosed, not vested in the Municipality and not occupied by any building, is within the regular line of a public street or if any platform, veranda, step, compound wall, hedge or fence or some other platforms etc. within structure, authorized or not, external to a building abutting on a public street, or regular line of street.

a portion of such platform, veranda, step, compound wall, hedge, fence or other structure is within the regular line of such street, the Chief Municipal Executive Officer/Municipal Executive Officer may, with the prior approval of the Municipality and after giving the owner of such land or building not less than seven clear days' notice of his intention so to do, take possession, on behalf of the Municipality, of such land with its enclosing wall, hedge or fence, if any, or of such platform, verandah, step, compound wail, hedge, fence or other structure of any portion thereof within the regular line of the public street, and, if necessary, clear the same, and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Municipality:

Provided that where the land or the building is vested in the State Government or the Central Government or any agency thereof, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not take possession thereof without the previous sanction of the State Government or the Central Government, as the case may be.

Acquisit ion of an building their portions withi

332. (1) Where a land or building is partly within regular line of a public street and land after at the request of the owner, acquire such land in addition to the land within

(2) Such surplus land may, thereafter, be utilized for the purpose of setting forward a building under section 330 or for such other purpose as the Municipality may deem fit.

Compen sation to be paid in certain cases of setting forward of building etc.

333. (1) A compensation shall be paid by the Municipality to the owner of any building or land acquired for a public street under the provisions of section 328, section 329, section 331, or section 332 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Municipality.

(2) If, in consequence of any order under section 330 to set forward a building, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Municipality for such loss or damage.

(3) If the additional land, which will be included in the premises of any person required or permitted under sub-section (2) to set forward such building, belongs to the Municipality, the order or permission of the Municipality to set forward the building shall be a sufficient conveyance to the said owner of the said land, and the price to be paid to the Municipality by the said owner of such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

(4) If, when the Municipality requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Municipality or with any of the terms or conditions of conveyance, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, upon the applications of the owner at any time within fifteen days after the said terms and conditions are

communicated to him, refer the case to the court of the District Judge having jurisdiction for determination, and the decision of the said court thereon shall be final.

C. Obstruction on Streets

Special provision Regarding streets

334. (l) If any National highway, State highway, or a street is vested in the Central Government or the State Government, as the case may be,-

highway, or street, grant permission to do any act, the doing of which without its permission, in writing, would contravene the provisions of this Act, except with the sanction of the Central Government or the State Government, as the case may be, and

(b) If so required by the Central Government or the State Government, the Municipality shall exercise the powers conferred upon it by this Act or any regulations relating to such street.

(2) In the case of roads vested in the State Government, and passing through the municipal area, the Municipality shall have control over such roads in so far as permission for temporary occupation thereof and removal of encroachments there from are concerned, but the maintenance of such roads shall remain with the State Government.

Temporary erection on streets during festivals.

335. (1) The Chief Municipal Executive Officer/Municipal Executive Officer may grant a permission, in writing, for temporary erection of a booth, panda, or any other structure on any public place on occasions of ceremonies and festivals, on payment of such fee, and on such conditions, as may be determined by the Municipality by regulations, and for such period as may be mentioned in the letter of permission:

Provided that no permission shall be given under this section without consultation with the Superintendent of Police of the district or any police officer within such period as may be mentioned in the letter of permission.

(2) The person to whom such permission is granted shall fill in the ground and reinstate the same to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer within such period as may be mentioned in the letter of permission.

Precautions during construction of street drain

336. Subject to the terms and conditions as maybe specified by regulations, the Chief Municipal Executive Officer/ Municipal Executive Officer during construction or repair construction or repair of any public street or any municipal drain or any

(a) cause the same to be fenced and guarded,

(b) take proper precaution against accident affection public street of adjoining buildings,

(c) prohibit, without his written permission, the depositor any building material or the setting up of any scaffolding or any temporary erection on any public street,

(d) close any street wholly or partly to traffic,

(e) Provide for necessary diversion of traffic, wherever necessary.

(f) ensure the reinstatement of the public street or restoration of any drain or premises to its original condition, and

(g) Take steps for repairing or enclosing of any place which, in his

opinion, is dangerous or causing inconvenience to traffic along a street or to persons who have legal access thereto or to the Neighbourhood thereof, and recover the costs of such repair works from the owner or the occupier of any such place or premises.

337. Subject to such terms and conditions as may, from time to time, be specified by regulations, the Municipality may – Power of Municipality in relation to regulation of street.

(a) Prohibit or regulate vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or injury to the roadways.

(b) prohibit, at all times or during any particular hours, entry of any vehicular traffic from, or exit of such vehicular traffic into, any premises from any particular public street carrying such traffic.

(c) prohibit tethering of any animal for any purpose in any public street, (d) prohibit in any street installation of structures or fixtures which may cause obstruction,

(e) prohibit the opening of the ground floor door, gate, bar or window outwards on any street,

(f) prohibit projections upon any street, or drain, or open channel in any street, and

(g) Remove anything erected, deposited or hawked on any public place or public street in contravention of the provisions of this Act.

338. (1) Subject to such terms and conditions as may be prescribed, any public utility concern requiring the use of the sub-soil under any municipal street, Municipal properties by drain, land or other properly for the purpose of laying lines for such utility service such as electric supply or telecommunication, shall obtain permission of the Municipality for such use. Restoration of utility public utilities.

(2) At the time of according such permission, the Municipality shall, in consultation with such public utility, arrive at the full cost of restoration of the sub-soil and the surface thereon and obtain an undertaking from the public utility that such restoration shall be done at their cost so as to bring back the property to its original condition to the satisfaction of the Municipality within a reasonable time after the completion of the work.

Chapter - XXXVII

Buildings

A. Procedure

339. In this chapter, unless the context otherwise requires, the expression- Definitions.

(1) "to erect a building" means -

(a) to erect a new building on any site, whether previously built upon or not,

(b) to re-erect means-

i. any building of which more than one-half of the cubical extent above the level of plinth have been pulled down, burnt or destroyed, or

ii. any building of which more than one-half of the superficial area of the external walls above the level of plinth has been pulled down, or

iii. any frame-building of which more than half of the number of posts or beams in the external walls have been pulled down,

(c) to convert into a dwelling-house any building or any part of a building not originally so constructed for human habitation or, if originally so constructed for human habitation, subsequently appropriated for any other purpose,

(d) to convert into more than one dwelling house a building originally constructed as one dwelling-house only,

(e) to convert into a place of religious worship or into a sacred building any place or building, not originally constructed for such purpose,

(f) to roof or cover an open space between walls or buildings to the extent of the structure formed by the roofing or covering of such space,

(g) to convert two or more tenements in building into a greater or lesser number of such tenements,

(h) to convert into a stall, shop, office, warehouse or go down, workshop, factory or garage any building not originally constructed for use as such, or to convert any building constructed for such use, by sub-division or addition, into greater or lesser number of such stalls, shops, offices, warehouses or godowns, workshops, factories or garages,

(i) to convert a building, which, when originally constructed, was legally exempt from the operation of any building regulations or any rules made under this Act or in any other law for the time being in force, into a building which, had it been originally erected in its converted form, would have been subject to such building regulations,

(j) to convert into, or use as, a dwelling house any building, which has been ' discontinued as, or appropriated for any purpose other than, a dwelling- house,

(k) to make any addition to a building, and

(l) to remove or reconstruct the principal staircase of a building or to alter its position ;

(2) "occupancy" or use-group" means the principal occupancy for which a building or a part of a building is used or intended to be used, and the

occupancy classification shall, unless otherwise spelt out in any development plan or any other improvement scheme under any law for the time being in force, include –

(a) residential buildings, that is to say, any building in which sleeping accommodation is provided for normal residential purposes with or without cooking facility or dining facility or both, and such building shall include one or two or multi-family dwelling, lodging or rooming houses, hostels, dormitories, apartment houses and flats, and private garages, (b) educational buildings, that is to say, an;, building used for school, college or day-care purposes involving assembly for instruction education or recreation incidental to educational use,

(c) institutional buildings, that is to say, any building or part thereof ordinarily providing sleeping accommodation for occupants and used for the purposes of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged person sand for penal or correctional detention in which the liberty of the inmates is restricted, and such buildings shall include hospitals, clinics, dispensaries, sanatoria, custodial institutions, and penal institutions like jails, prisons, mental hospitals and reformatories,

(d) assembly buildings, that is to say, any building or part thereof where groups of people conger gate or gather for amusement or recreation or for social, religious, patriotic, civic, travel, sports, and similar other purposes, and such buildings shall include theatres, motion picture houses, drive- in-theatres, city halls, town halls, auditoria, exhibition halls, museums, skating rinks, gymnasia, restaurants, eating-houses, hotels, boarding houses, places of worship, dance halls, clubrooms, gymkhanas, passenger stations and terminals of air, surface and other public transportation services, recreation piers, and stadium,

(e) business buildings, that is to say, any building or part thereof used for transaction of business or for the keeping of accounts and records or for similar purposes and such buildings shall include offices, banks, professional establishments, court houses, and libraries for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as an office of for office purpose.

(f) Mercantile buildings, that is to say any building or part thereof used as shops, stores or markets for display or sale or merchandise, either wholesale or retail or for office, storage or service facilities incidental to the sale of merchandise and located in the same building and such building shall include establishments wholly or partly engaged in wholesale trade, manufacturer's whole sale outlets (including related storage facilities) warehouses, and establishment engaged in truck transport(including truck transport booking agencies).

(g) Industrial buildings, that is to say any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants and such buildings shall include laboratories, power plants, smokehouses, refineries, gas plants, mills, dairies, factories, workshops, automobile repair garages and printing presses.

(h) Storage buildings, that is to say any building or part thereof used primarily for the storage or sheltering of goods, wares or merchandise as in warehouse and such building shall include cold storages, freight depots, transit sheds, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables,

(i) Hazardous buildings, that is to say any building or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products, which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquid or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition :

(3) "alteration" means the change from one occupancy to another or the structural change, such as the addition to any area or height or the removal of a part of building or the change to the structure such as the construction or cutting into or removal of any wall, partition, column, beams, joints, floor or other support of the change to or closing of any required means of ingress or egress or the change to any fixture or equipment;

(4) "plan" means a plan prepared by a surveyor or a draughtsman or an engineer holding a degree of Bachelor of Engineering or an Architect registered under the Architect Act, 197 2 (20 of 197 2) .

Explanation :- For the purpose of classification of a building according to occupancy under clause (2),

(a) an occupancy shall be deemed to included subsidiary occupancies which are contingent upon such occupancy, and

(b) Building with mixed occupancies shall mean those building in

which more than one occupancy are present in different portions thereof.

340. No person shall erect, or commence to erect any building or execute any

Prohibition of erection of

Without sanction.

the works specified in section 339 in any municipal area, in accordance with the provision of this Act and the regulation made there under in relation to such erection of building or execution of work, as the case may be :

Provided that the erection of a residential building upto a height of three storeys, or with a height of eleven meters whichever is lower on a plot of land of three hundred square meter or less may be commenced and may be proceeded with if the building plan has been prepared by an architect registered under the Architect Act, 197 2 (Act 2 of 197 2) and authenticated by him certifying that the building plan for such erection conforms to the provision of this Act and the rules and the regulations made there under :

Provided further that any such plan shall be submitted to the Chief Municipal Executive Officer/ Municipal Executive Officer before commencement of the work referred to in the first proviso for sanction thereof in due course :

Provided also that if any deviation from the provisions of this Act or the rules or the regulations made there under or any material deviation from such plan is detected in erection of any such building, the Chief Municipal Executive officer Municipal Executive Officer may take necessary action against such person in accordance with the provisions of this Act or the rules or the regulations made there under and in the case of any deviation from the provisions of this Act, or the rules or the regulations made thereunder send a report to the Institution of Architect or the Council of Architecture against the architect who prepared the building plan and authenticated it by certifying that the building plan conforms to the provisions of this Act or the rules or the regulations made there under for such action as the Institution of Architects may deem fit:

Provided also that the Chief Municipal Executive Officer/ Municipal Executive Officer shall by order direct that no certification by such architect in respect of any building plan shall be accepted by the Municipality till a decision on the aforesaid report is received from the Institution of Architects or the Council of Architecture by the Chief Municipal Executive Officer/ Municipal Executive Officer:

Provided also that in a case where the Chief Municipal Executive Officer/ Municipal Executive Officer has sanctioned or provisionally sanctioned erection of any building above a height of fourteen meters, he shall cause publication of the fact of such sanction in such form and in such manner as may be prescribed, at the cost of lire person in whose favour such sanction has been given,

341. (1) Subject to the provisions of section 340, every person who intends to

Erection of building.

erect a building shall apply for sanction by giving a notice, in writing of his intention to the Chief Municipal Executive Officer/Municipal Executive Officer in such form and containing such information as may be prescribed.

(2) Every such notice shall be accompanied by such documents and plans as may be prescribed.

342. (1) Subject to the provision of section 340, every person who intends to

Application for addition or repair of building.

execute any of the works specified in sub-section (b) of clause (1) of section

339 shall apply to the Chief Municipal Executive Officer/ Municipal Executive Officer for sanction by giving a notice, in writing of his intension in such form and containing such information as may be prescribed.

(2) Every such notice shall be accompanied by such documents and plans as may be prescribed.

343. (1) Every person giving any notice of his intention to erect a building conditions Purpose for v of validity

of notice.

Provided that for any building not more than one class of use consisted with the occupy or the use group within the meaning of clause (2) of section 339, shall be considered except in respect of the case where under this Act or under any other law for the time being in force, mixed occupancies of specified nature may be permissible.

(2) Every person giving any notice under section 341 of his intention to execute any of the works specified in sub-clause (b) of clause (1) of section 339, shall specify whether the original purpose for which such work as intended to be executed, is proposed or is likely to be changed by such
execution of work :

Provided that if such change would result in mixed occupancies which are contrary to the provisions of this Act or of any other law for the time being in force such change shall not be allowed.

(3) No notice shall be valid until the information required under sub-section (1) or sub-section (2) and any other information and plans which may be required by regulations made under this Act have been furnished to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive
Officer along with the notice.

334. (1) Subject to the provision of section 340, the Chief Municipal Executive Sanction
or provisional Officers Municipal Executive Officer shall sanction, or provisionally sanction sanction
of refusal of the erection of a building of the execution of a work within the municipal area, building
or work.

unless such building or work would contravene any of the provision of sub-section (2) of this section or the provision of section 355 or section 357.

Provided that no such sanction shall be accorded without the prior approval of the Empowered Standing Committee in the case of any building, except a residential building proposed to be erected or re-erected on a plot of land of five
hundred square meters or less:

Provided further that the Empowered Standing Committee shall consider the recommendation of the Municipal Building Committee, and shall finalize its decision after such consideration.

(2) The sanction for erection of a building or execution of a work may be refused on the following grounds, namely :

(a) that the building or the work or the use of the site for the building or the work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force or any scheme sanctioned thereunder, (b) that the notice for sanction does not contain the particulars or is not prepared in the manner, required under the rules or the regulations made in this behalf under this Act,

(c) that any information or document required by the Chief Municipal Executive Officer/ Municipal Executive Officer under this Act or the rules or the regulations made thereunder has not been duly furnished,

(d) that the building or the work would be an encroachment on the State Government land or land vested in the Municipality, and

(e) That the site of the building or the work does not abut on a street or projected street and that there is no access to such building or work from any such street by any passage or pathway appertaining to such site.

(3) Notwithstanding anything contained in this Act, the Chief Municipal Executive Officer/Municipal Executive Officer may while granting permission under this chapter, specify such special conditions relevant to each case, regarding disposal of solid, liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit.

(4) The Chief Municipal Executive Officer/ Municipal Executive Officer shall communicate the sanction or the provisional sanction to the person who has given the notice under section 341 or section 342 and where ire refuses sanction or provisional sanction, either on any of the grounds specified in sub-section (2) or under section 355 or section357, he shall record a brief statement of his reasons for such refusal in writing and shall communicate the refusal along with the reason therefore to the person who has given the notice.

(5) The sanction or the provisional sanction or the refusal of sanction to the erection of a building or the execution of a work shall be communicated in such manner as may be prescribed and in the case of sanction or provisional to the erection of a building, the occupancy or use group shall be specifically stated in such sanction.

345. (1) In the case of a Municipal Councils or Nagar Panchayats, the Municipal Building Empowered Standing Committee shall constitute a Municipal Building Committee for Municipal Councils or Nagar Panchayats.

Committee with the Chief Municipal Executive Officers Municipal Executive Officer as its Chairperson and an officer of the Municipality as its convenor.

(2) The Municipal Building Committee shall have in addition to the Chairperson and the convenor, six other members of whom:

(a) one shall be an officer of the planning and development authority for the municipal area under any law for the time being in force,

(b) one shall be an officer of the police authority responsible for traffic in the municipal area,

(c) one shall be an officer of the fire services having jurisdiction over the municipal area,

(d) one shall be an architect having experience of not less than five year, (e) one shall be an Civil Engineer having experience of not less than five year,

(f) one shall be an officer for the authority responsible for environmental management of the municipal area and,

(g) One shall be an officer of the State Government nominated by the State Government.

(3) The Municipal Building Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any case regarding any educational building or

institutional building or assembly building or industrial building or hazardous building.

(4) The Municipal Building Committee shall meet at such periodical intervals as may be necessary but not less than once in every calendar month,

(5) The Municipal Building Committee shall scrutinize every application for erection or re-erection of a building for which notice has been received under section 341, other than a residential building up to three storeys or with a height of twelve meters whichever is higher on a plot of land of five hundred square meters or less and make its recommendations :

Provided that in respect of any building or execution of any work, if such building or work as the case may be affects or is likely to affect –

i. the functioning of the microwave system for telecommunication purposes, or

ii. Any function for the purpose of civil aviation, the Municipal Building Committee shall, if so considered necessary, refer the matter to the concerned Department of the Central Government or authority for opinion before finalizing the recommendations.

(6) The recommendation of the Municipal Building Committee shall be referred to the Empowered Standing Committee for its consideration and approval with or without change:

Provided that the reasons for any deviation from the recommendations shall be recorded in writing.

(7) The manner of conduct of business of the Municipal Building Committee and the procedure to be followed by it shall be such as may be specified by regulations.

346. The State Government shall by order, in writing, constitute a Committee for sanction or Committee to deal with the sanction of building plan for Class "C" Municipal building plans in Councils or Nagar Panchayats in the specified municipal areas.

Committee of case of Class "C" Municipal Councils and Nagar Panchayats.

347. If, at any time after the communication of sanction or provisional sanction or provisional to the erection of any building or the execution of any work, the Chief Municipal provisional sanction was accorded in consequence of any materials misrepresentation.

Sanction sanc

misrepresentation or any fraudulent statement in the notice given or information furnished under section 341 or section 342 or section 343,he may by order in writing, cancel for reasons to be recorded in writing such sanction or provisional sanction as the case may be and any building or any work commenced, erected or executed shall be deemed to have been commenced, erected or executed without such sanction and shall be dealt with accordingly under the provisions of this chapter :

Provided that before making any such order, the Chief Municipal Executive Officer/ Municipal Executive Officer shall give a reasonable opportunity to the person affected to show cause as to why such order should not be made.

When building or work may be proceeded with.

348. (1) Where within a period of sixty days or in cases falling under sub-clause (b) to sub-clause (1) of the clause (I) of section 339 within a period of thirty days of the receipt of any notice under section 341 or section 342 or of any information under section 343 the Chief Municipal Executive Officer/Municipal Executive Officer does not refuse to sanction to the erection of any building or the execution of any work or upon refusal does not communicate the refusal to the person who has given the notice such person may make a representation in writing to the Chief Councillor :

Provided that if it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Chief Municipal Executive Officer/Municipal Executive Officer may withheld sanction to the erection of the building or the execution of the work for such period, not exceeding six months as he may deem fit and the period of sixty days as the case may be the period of thirty days specified in this sub-section shall be deemed to commence from the date of expiry of the period for which the sanction has been withheld.

(2) Where the erection of building or the execution of a work is sanctioned the person who has given the notice shall erect the building or execute the work in accordance with such sanction and shall not contravene any of the provisions of this Act or the rules or the regulation made there under or of any other law for the time being in force,

(3) If the person as aforesaid or any one lawfully claiming under him does not commence the erection of the building or the execution of the work within two years of the date on which the erection of the building or the execution of the work as the case may be, is sanctioned, he shall give notice under section 341 or as the case may under section 342 for fresh sanction and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Such person shall before commencing the erection of the building or the execution of the work within the period specified in sub-section (3) shall give notice to the Chief Municipal Executive Officer Municipal Executive Officer of the proposed date of commencement of such erection or execution:

Provided that if the commencement does not take place within fifteen days of the date of the notice, the notice shall be deemed not to have been given and fresh notice shall be necessary in this behalf.

Period of building or work.

349. The Chief Municipal Executive Officer/Municipal Executive Officer shall while sanctioning the erection of a building or the execution of a work, specify a reasonable period within which the building or the work is to be completed and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Chief Municipal Executive Officer/ Municipal Executive Officer on an application made in this behalf, allows an extension of such period.

Order of demolition and

350. (1) Where the erection of any building or the execution of any work has been commenced or is being carried on or has been completed without or

stoppage of building s or work in certain cases

contrary to the sanction referred to in section 344 or in contravention of any of the provisions of this Act or the rules or the regulations made thereunder, the to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed within such period not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons there for has been delivered to such person, as may be specified in the order :

Provided that no order of demolition shall be made unless such person has been given by means of a notice served in such manner as the Chief Municipal Executive Officer Municipal Executive Officer may think fit an opportunity of showing cause why such order shall not be made :

Provided further that where the erection of any building or the execution of any work has not been completed, the Chief Municipal Executive Officer/ Municipal Executive Officer may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or any time, direct such person to stop the erection of such building or the execution of such work until the expiry of the period within which an appeal against the order of demolition, if made may be preferred under sub-section (3).

Explanation :- In this chapter, " the person at whose instance" shall mean the owner or the occupier or any other person who causes the erection of any building or the execution of any work including alterations or additions of any to be some or does it by himself.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may make an order under subsection (1) notwithstanding the fact that the assessment of such building has been made for the levy of the properly tax on lands and buildings.

(3) Any persons aggrieved by an order of the Chief Municipal Executive Officer Municipal Executive Officer under sub-section (1) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 356.

(4) Where as appeal is prepared under sub-section (3) against an order under sub-section (1) the Municipal Building Tribunal may stay the enforcement of the order on such terms, if any and for such periods as it may think fit :

Provided that where the erection of any building or the execution of any work has not been completed at the time of the order under that subsection (1), no order staying the enforcement of the order under that sub-section shall be made by the Municipal Building Tribunal unless a surety sufficient in the opinion of that Tribunal has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the Chief Municipal Executive Officer/ Municipal Executive Officer to restrain him from taking any action, or making any order in pursuance of the provisions of this section.

(6) Every order made by the Municipal Building Tribunal on appeal and subject to such order every order made by the Chief Municipal Executive Officer/ Municipal Executive Officer under subsection (1) shall be final and conclusive.

(7) Where no appeal has been preferred against an order made by the Chief Municipal Executive Officer/ Municipal Executive Officer under subsection (1) or where an order under that subsection has been confirmed on appeal whether with or without modification the person against whom the order has been made shall comply with the order within the period if any fixed by the Municipal Building Tribunal on appeal and on the failure of such person to comply with the order within such period the Chief Municipal Executive Officer/ Municipal Executive Officer may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.

(8) Notwithstanding anything contained in this chapter if the Empowered Standing Committee is of the opinion that immediate action is called for in relation to a building or a work being carried on in contravention of the provisions of this Act, it may for reasons to be recorded in writing cause such building or work to be demolished forthwith.

Order of stoppag building or wor certain cases.

351. (1) Where the demolition of any building or the erection of any building or the execution of any work has been commenced or is being carried on without or contrary to the sanction referred to in section 344 or in contravention of any conditions subjects to which such sanction has been accorded or in contravention of any provision of this Act or the rules or the regulations made there-under, the Chief Municipal Executive Officer/ Municipal Executive Officer may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) (a) Notwithstanding anything contained elsewhere in this Act or in any rules or regulations made there-under no owner of any building and no person engaged in the construction of any building on behalf of the owner thereof, shall allow storage or stagnation of water in the site for the construction of such building and every such owner or every such person, as the case may be shall completely empty all collections of such water at least once in a week.

(b) Where the construction of a building is carried on in contravention of the provisions of clause (a) the Chief Municipal Executive Officer/ Municipal Executive Officer may in addition to any other action that may be taken under this Act, by order in writing require the person at whose instance such storage or stagnation of water in the site for the construction of the building is made to stop forthwith any further construction of the building and such orders shall remain in force till the person as aforesaid complies with the requirements of the order as aforesaid, to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer.

(3) If an order by the Chief Municipal Executive Officer/ Municipal Executive Officer under clause (b) of sub-section (2) directing any person to stop the construction of any building is not complied with the Chief Municipal Executive

Officer/Municipal Executive Officer may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Chief Municipal Executive Officer/ Municipal

Executive Officer and such police officer shall comply with such requirement.

(4) If an order by the Chief Municipal Executive Officer Municipal Executive Officer under section 350 or under sub-section (1) of this section, directing any person to stop the erection of any building or the execution of any work, is not complied with the Chief Municipal Executive Officer/ Municipal Executive Officer may take such measures as he deems fit or may require any police officer to remove such person and all his assistant and workmen from the premises within such times as may be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer and such police officer shall comply with such requirements.

(5) No court shall entertain any suit application or other proceeding for injunction or other relief against the Chief Municipal Executive Officer/Municipal Executive Officer to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(6) in compliance with the requirement under sub section (5) the Chief Municipal Executive /Municipal Executive Officer may, if he thinks fit, depute by an order in writing a police officer or an officer or other employee of the Municipality to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(7) Where a police officer or an officer or other employee ofthe Municipality has been deputed undersub-section (6) to watch the premises the cost of such deputation to be determined by the municipality by regulations, shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) has been given and shall be recoverable from such person as an arrear of tax under this Act.

Construction buildir
Contravention of
the provisions of the
rules made thereund

352.(1) Notwithstanding anything contained in this Act or the rules made there-under or in any other law for the time being in force, any person who being responsible by himself or by any other person on whose his behalf so constructs or attempts or conspires to construct any new building or additional floor or floors of any building, in contravention of the provisions of this Act or the rules made there-under,endangers or is likely to endanger human life or any property of the Municipality whereupon the water supply, drainage or sewerage of the road trafficis disrupted or is likely to be disrupted or is likely to cause a fire hazard shall be punishable with imprisonment of either description for a term which may extend for five years and also with fine which may extend to fifty thousand rupees.

Explanation: - "Person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier or a servant or agent of an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or cause the construct ion of any new building or additional floor or floors of any buildings as aforesaid.

(2) The offence under sub-section (1) shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.

(3) Where an offence under sub-section (I) has been committed by a company the provisions of section 465 of this Act shall apply to such company.

Explanation :- "Company" shall have the same meaning as in the *Explanation* to section 465.

Power of the Chief Municipal Executive Officer/Municipa Executive Officer to require alteration of work.

353. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by notice in writing specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 344 or is in contravention of any condition of such sanction or of any of the provisions of this Act or the rules or the regulations made there-under and require the person who gave the notice under section 341 or section 342 or the owner of such building or work either-

(a) to make such alterations as may be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer in the notice with the object of bringing the building or the work in conformity with such sanction or such condition of such sanction or the provisions of this Act or the rules or the regulations made there- under, or

(b) to show cause within such period as may be stated in the notice, why such alterations should not be made.

(2) If such person or such owner does not show any cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If such person or such owner shows the cause as aforesaid, the Chief Municipal Executive Officer/Municipal Executive Officer shall by order either cancel the notice issued under sub-section (1) or confirm the same subject to such modification as he thinks fit.

Completion certifica

354. (1) Every person giving a notice under section 341 or section 342 or every owner of building or work to which such notice relates shall within one month after completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent to the Chief Municipal Executive Officers Municipal Executive Officer a notice in writing of such completion accompanied by a certificate in the form specified in the rules made in this behalf and shall gives to the Chief Municipal Executive Officer Municipal Executive Officer all necessary facilities inspection of such building or work.

(2) No person shall occupy or permit any other person to occupy any such building or use or permit any other person to use any buildings or apart thereof affected by any such work until permission has been granted by the Chief Municipal Executive Officer/Municipal Executive Officer in this behalf in accordance with the rules and the regulations made under this Act :

Provided that if the Chief Municipal Executive Officers Municipal Executive Officer fails within a period of thirty days of receipt of the notice of completion to communicate his refusal to grant such permission such person may make a representation in writing to the Chief Councillor.

B. Municipal Building Code

355. (1) The State Government shall prepare a Code to be called the Municipal Building Code containing rules providing for-

Power of Government to mak building rules and to classify mu areas for the purpos of application building rules.

(a) the regulation or restriction of the use of sites for buildings,
(b) the regulation or restriction of buildings
(c) And compliance with the provision of any law relating to urban land ceiling or urban land use planning.

(2) without prejudice to the generality of the foregoing power such Code may provide for all or any of the following matters :-

(a) information and plans to be submitted together with application under any of the provision of this chapter,
(b) requirements of sites,
(c) means of access,
(d) development of land into land sub-division and layout,
(e) land use classification and uses,
(f) open space area and height limitations,
(g) parking spaces,
(h) requirement of parts of building plinth, habitable room, kitchen, pantry bathroom, water closet, loft , ledge, mezzanine floor, storeroom garage roof, basement, chimney, lighting and ventilation of room, parapet, wells, septic tanks and boundary wall,
(i) provisions of lifts,
(j) Exit requirement including doorways, corridors, passageways, staircase, ramps and lobbies,
(k) Fire protection requirement including materials and designs for interior decoration,
(l) special requirement of occupancies for residential building, educational building, institutional building, assembly building, business building, mercantile building, industrial building, storage building and hazardous building (including those for assembly movement, parking loading, unloading, public convenience, water supply and vendors plazas), (m) structural design,
(n) quality of materials and workmanship,
(o) alternative materials, method of design, construction and tests,
(p) Building service including electric supply and such supply from non- conventional sources of energy, air conditioning or heating and telecommunication systems.
(q) water supply, water harvesting and plumbing services,
(r) signs and outdoor display structures,
(s) special requirement for building in the hill areas,
(t) special requirement of access for handicapped persons in respect of matters referred to in chapter XXII, chapter XXIII, chapter XXIV and chapter XXV,
(u) protection against natural disasters including earthquakes any cyclones and technological disasters and
(v) Any other matter considered necessary in relation to building activities.

(3) The State Government may by notification exempt any municipal area or any group of municipal areas as classified under section 7 from the operation of ell or any of the provisions of this chapter or the rules made under this section.

(4) While such exemption under sub-section (3) remains in force in any municipal area or group of municipal areas, the State Government may

make rules consistent with the provision of this chapter for application to such municipal area or group of municipal areas.

(5) Notwithstanding anything contained in the foregoing provisions of this section, no building plan for a building on such plot area or for such use as may be prescribed which does not provide for electric supply from non-conventional sources of energy and water harvesting shall be sanctioned by the Municipality.

C. Municipal Building Tribunal

Municipal Building Tribunal

356. (1) The State Government may appoint one or more Municipal Building Tribunals (hereinafter referred to in this section as the Tribunal) as may considered necessary to hear and decide appeals arising, out of matters referred to in chapter XXXVII in accordance with such procedure, and to realize such fees in connection with such appeals, as may be prescribed.

(2) Each Tribunal shall consist of a Chairperson and such other members, not exceeding four, as the State Government may determine.

(3) The Chairperson and one other member shall be persons who are or have been members of the State Higher Judicial Service, having such experience as may be prescribed.

(4) At least one of the remaining other members shall be a person who shall have such knowledge or experience in town planning, civil engineering or architecture as may be prescribed.

(5) The Chairperson and the other members of the Tribunal shall be appointed by the State Government for such period, and on such terms and conditions, as the State Government may determine and shall be paid from Municipal Fund:

Provided that a Councillor or a person who is or has been an officer or other employee of the Municipality shall not be eligible for appointment as a member of the Tribunal.

(6) The State Government may, if it thinks fit, remove for reason of incompetence or misconduct or for any other good or sufficient reason the Chairperson or any other member of the Tribunal.

(7) The Tribunal shall have such officers and other employees, appointed on such terms and conditions, as maybe prescribed, and the expenses of the Tribunal shall be paid out of the Municipal Fund.

(8) The Provisions of Part II and Part III of the Limitation Act, 1963, relating to appeal shall apply to every appeal preferred under this section.

(9) No court shall have jurisdiction in any matter for which provision is made in this chapter for appeal to the Tribunal.

D. General Powers

Building streets.

at corners of 357. (1) Notwithstanding anything contained in this Act or the rules and the regulations made there under or of any other law for the time being in force, the Chief Municipal Executive Officer Municipal Executive Officer may, in the case of any building which is intended to be erected at the corner of two streets, -

(a) refuse sanction for such reasons as may be recorded in writing, or (b) impose restrictions on its use, or

(c) place special conditions concerning exit to, or entry from, any street, or (d) require it to be rounded off or splayed or cut-off to such height and to such extent as he may determine, or

(e) acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity :

Provided that nothing shall be done in any case under the provisions of this subsection without any scrutiny of such case by the Municipal Building Committee for a Municipal

Corporation, Class 'A Municipal Council and Class 'B' Municipal Council, constituted under section 345, or the Committee for sanction of building plans in case of building plans for Class 'C' Municipal Councils and Nagar Panchayats, constituted under section 346, as the case may be, and without prior approval of the Empowered Standing Committee in accordance with the provisions of this chapter.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, by order, in writing, require any alteration, corresponding to any of the provisions in clauses (b) to (e) of sub-section (1), to be made to any building completed before the commencement of this Act.

Provision as to building and work on either side of new street or near fly-over

358. (1) The sanction to the erection of any work on either side of a new street may be refused by the Chief Municipal Executive Officer Municipal Executive Officer unless and until such new street has been levelled, and, in the opinion practicable, metalled or paved, drained, lighted and laid with a water main, to his satisfaction.

(2) The sanction to the erection of any such building or the execution of any such work may be refused by the Chief Municipal Executive Officer/Municipal Executive Officer, if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which have been laid down by the Chief Municipal Executive Officer/ Municipal Executive Officer but which has not be erected or executed, or if such building portion thereof or such work is in control of any building plan or any other scheme or o prepared under this Act or any other law for the time being in force.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may refuse permission for the erection or re-erection of any building which, when completed, will be within such distance from a fly-over or over bridge or transportation terminal or other construction as may be provided by rules or regulations made in this behalf.

Provision against use of inflamn material for bui etc. w permission.

359. (1) No roof, verandah, pandal or wall or a building or no shed or fence shall be constructed or reconstructed of cloth, grass leaves, mats or other inflammable materials except with the permission, in writing, of the Chief Municipal Executive Officer/Municipal Executive Officer, nor shall any such roof, verandah, pandal, wall shed or fence, constructed or reconstructed in any year, be retained in a subsequent year except with the fresh permission obtained in this behalf.

(2) Every permission under sub-section (1) shall expire at the end of the year for which it is granted.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may regulate the use of materials, design or construction or other practices for interior decoration in accordance with the rules and the regulations in this behalf.

Power to reg future constructio buildings in par streets or localities.

360. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, subject to the prior approval of the Empowered Standing Committee, give notice of his intention to declare –

(a) that in any street or portion thereof specified in such notice, the elevation and construction of the frontage of all buildings or any classes of buildings erected or re-erected after such notice shall, in respect of their architectural features, be such as the Empowered Standing Committee may consider suitable to the locality, or

(b) that in any locality specified in such notice, there shall be allowed the erection of only detached or semi-detached building or both and that the land appurtenant to each such building shall be of an area, being not less than that specified in such notice, or

(c) that the division or sub-division of building plots in a particular locality shall be of minimum specified area, or

(d) that in any locality specified in the notice, the construction of more than a specified number of buildings on each acre of land shall not be allowed, or

(e) that in any street, portion of a street, or locality, specified in such notice, tire construction of any one or more of the different classes of buildings (such as residential, educational. Institutional "assembly, business, mercantile, industrial, storage, and hazardous buildings) shall not be allowed without the special permission of the Empowered Standing Committee.

(2) The Empowered Standing Committee shall consider all suggestions or objections received within a period of three months of the publications of such notice and may confirm the declaration or may modify it so however that the effect of such notice is not extended.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall publish any declaration so confirmed or modified in the Official Gazette and the declaration shall take effect from the date of such publication.

(4) No person shall after the date of publications of such declaration, erect or re-erect any building in contravention of such declaration.

(5) The Empowered Standing Committee shall ensure that such declaration is in conformity with the provisions of any State Law relating to urban land use planning.

Power to excavation.

361. If, during excavation or any other operation for the purpose of construction of any building or execution of any work, any of the underground utilities (such as electric or telephone cables, water supply, drainage and sewerage mains and gas pipes) is touched or is likely to be touched or if the Chief Municipal Executive Officer/ Municipal Executive Officer is of the opinion that such excavation may cause danger to the public, the Chief Municipal Executive Officers Municipal Executive Officer may by order in writing stop forthwith any such excavation or other work till the matter is investigated and
decided to his satisfaction.

Power to re alteration of existing buildings.

362. The Chief Municipal Executive Officer/ Municipal Executive Officer may with a view to promoting convenience, safety, privacy of the public or the occupier, or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder by order in writing require the owner of any existing building to make such alteration therein and within such period as may be specified in the order :

Provided that before making any such order, the Chief Municipal Executive Officer/ Municipal Executive Officer shall afford a reasonable opportunity to the
owner to show cause why such order should not be made.

Power to removal of dangerou building.

363. (1) If any wail or building or anything affixed thereto, is deemed by the Chief Municipal Executive Officer/ Municipal Executive Officer to be in a ruinous state, or is likely to fall or to be in any way dangerous, he shall forthwith cause a notice, in writing to be served on the owner and to be put on some conspicuous part of the wall or building or

served on the occupier, if any of the building requiring such owner or occupier forthwith to demolish, rep air or secure such wall, building or thing as the case may require.

(2) The Chief Municipal Executive Officer/Municipal Executive Officer may if it appears to him necessary so to do cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wail or building for the safety of the public or the inmates thereof and may after giving them such notice as the Chief Municipal Executive Officer/ Municipal Executive Officer may think necessary require the inmates of the building to vacate it.

(3) The provisions of this Act and of any rules or regulations made thereunder relating to buildings shall apply to any work done in pursuance or in consequence of a notice issued under sub-section (1).

(4) (a) Notwithstanding anything contained in the foregoing provisions of this section, the Chief Municipal Executive Officer/ Municipal Executive Officer may forthwith or with such notice as he thinks fit demolish, repair or secure or cause to be demolished, repaired or secured any such wall or building or thing affixed thereto, on the report of the
Municipality Architect and Town Planner, certifying that such demolition, repair or securing of the building, wall or thing is necessary for the safety of the public or the inmates of the building,

(b) In any such case, the Chief Municipal Executive Officer/ Municipal Executive Officer may cause the inmates of the building to be summarily removed from such building or from such portion thereof as he may consider necessary.

(c) All expenses incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer for carrying out the purposes of this sub-section shall be paid by the owner of such wall, building or thing.

(5) Anything done or any action taken by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (4) shall unless the contrary is proved be deemed to have been done or taken lawfully and in good faith.

Inspect

ion of building.

364. (1) The Chief Municipal Executive Officer/Municipal Executive Officer may at any time during the erection or re-erection of a building or the execution of any work under this chapter make an inspection thereof without giving any previous notice of his intention so to do.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may inspect any existing building at any time by giving seven days notice in
advance.

Permission in ca non-residential use premises.

365. (1) No person shall without the previous permission in writing of the Chief Municipal Executive Officer/Municipal Executive Officer otherwise than

inconformity with the conditions if any of such permission put any premises to non-residential use including the use for an educational building or an institutional building or an assembly building or a business building or a mercantile building or an industrial building or a storage building or a hazardous building.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer may refuse to give such permission in any case on the ground that such use –

(a) would be objectionable by reason of the density of population in the neighbourhood, or

(b) would add to the traffic constraint in the vicinity including parking spaces for vehicles or,

(c) would not conform to other predominant uses in the neighbourhood or (d) would constitute a fire hazard or

(e) would be a nuisance to the inhabitant of neighbourhood or

(f) in the case of a hospital or a clinic would be harmful to the patient due to noise or an environment which poses a health hazard or

(g) in the case of an educational building would deprive the students of playground facilities,

(3) Subject to any land use control under this Act or any other law for the time being in force, the decision of the Chief Municipal Executive Officer Municipal Executive Officer in every case where permission is refused under this section

shall be final.

Conditions for grant permission.

366. In the case of any premises for the use of which a licence or permission is required from the State Government or any authority under any law for the time being in force, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not grant such permission under this Act to any person until such person produces before the Chief Municipal Executive Officer/ Municipal Executive Officer the licence or the permission from the State Government or such authority as the case may be and submits duly authenticated copy thereof to him :

Provided that in the case where production of a permission of the Municipality is a precondition for the grant of a licence or permission under any other law for the time being in force, the Chief Municipal Executive Officer/ Municipal Executive Officer may grant a provisional permission which shall be authenticated to be final only upon production of a licence or permission under the said Law.

Provided further that such provisional permission shall have validity only for the purpose of fulfilling any precondition for the grant of the licence or the permission under any other law as aforesaid.

E. Regulation of Building Uses

Power to pr change of authorize of building.

367. (l) No person shall without the permission in writing of the Chief Municipal Executive Officer Municipal Executive Officer or other than in conformity with the conditions of such permission :

(a) use or permit to be used for the purpose of human habitation any building or part thereof not originally erected or authorized to be used for such purpose,

(b) change or allow the change of the use of building for any purpose other than that specified in the sanctioned plan,

(c) Change or allow the change of the use of any building erected before the commencement of this Act contrary to the use for which such erection was originally sanctioned or to use to which such building was actually put.

(d) convert or allow the conversion of a tenement within a building to an occupational use, other than fire use intended in the original sanctioned plan or materially alter, enlarge or extend such

(2) If, in any case such permission is given no change of occupancy or use shall be allowed before necessary alterations or provisions have been made to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer and in accordance with the provisions of this Act and the rules and the regulations made there under and any other law for the time being in force.

(3) Any change of use made before the commencement of this Act, except in so far as such use is permissible under the provisions of an earlier State law on the subject in force before the

commencement of this Act, shall not be deemed to be a change in contravention of the provisions of this Act.

(4) Without prejudice to any other action that may be taken against any persons, whether owner or occupier contravening any provision of this section, the Municipality may levy on such person such fine, not exceeding in each case rupees one hundred per square meter per month for the area under unauthorized use throughout the period during which such contravention continues as maybe provided by regulations.

(5) The Chief Municipal Executive Officer/ Municipal Executive Officer may if he deems fit order that such unauthorized used be stopped forthwith:

Provided that before making any such order, he shall give a reasonable opportunity to the person affected to show cause why such order shall not be made.

(6) Any person aggrieved by an order of the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (5) may within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal whose decision in the matter shall be final and conclusive.

(7) When an appeal is preferred under sub-sec (6) the Municipal Building Tribunal or Municipality as the case may be may stay enforcement of the order made by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (5) on such terms for such period as it may think fit.

(8) Save as otherwise provided in this section no c shall entertain any suit , application or o proceeding for any relief or injunction, restrain the Chief Municipal Executive Officer/ Municipal Executive Officer or the Municipal Building Tribunal or the Municipality from taking any a(or making any order in pursuance of the provision of this section.

Explanation :- For the purpose of chapter "unauthorized use" shall mean change conversion of a building without sanction for one occupancy or use group to another occupancy or use group referred to in sub-sec(2) of section339.

Power to prevent use of premises for Specified purpose in particular area for

368. (1) The Municipality may give notice of its intention to declare that in any area specified in the no person shall for environmental reasons stated therein

d purpose in use any premises for any purpose specific in the notice.

r

days from the date of notice.

(3) The Municipality shall consider all objective received within the period as aforesaid, giving person affected by the notice an opportunity being heard and may thereupon make a declaration in accordance with the notice under sub-section (1) with such modifications, if any, as it may this fit.

(4) Every such declaration shall be published in manner provided by regulations and shall be effect from the date of such publications.

(5) No person shall in any area specified in the declaration published under sub-section (4) use any premises for any purpose specified in the declaration and the Chief Municipal Executive Officer Municipal Executive Officer shall have the power to stop such use of any such premises by such means as he may consider necessary.

(6) The Municipality shall ensure that such declaration is in conformity with the provisions of any land use plan in force in the municipal area under any State law regulating such use.

Chapter - XXXVIII

Municipal Licences

Premises not to be used for residential pur without mun licence.

369. (1) Except as hereinafter provided in this Act, no person shall use or permit to be used any premises for any of the non-residential purposes mentioned in the Schedule without or otherwise than in conformity with the terms of a licence granted by the Chief Municipal Executive Officer Municipal Executive Officer or the Wards Committee under sub-section (6) of section 30,
as the case may be so as not to contravene the provisions of sub-section (2) of this section.

Provided that no such licence shall be given in respect of any non-residential use of a premises, if such use in otherwise than in conformity with the provisions of this Act or any other law for the time being in force or the rules or the regulations or the orders made thereunder.

Provided further that exception case which come under the provisions of sub-section (2) of this section or section 371 or section 373 the power issue such licence within its jurisdiction may be exercised by the Wards Committee subject to such conditions and in such manner as may be determined by regulations.

(2) In the case of a non-residential use of a premises for a purpose for which a licence or permission is required from the State Government or any statutory body under any law for the time being in force, no licence under this section shall be given until the licence or the permission under the said law has been produced before the Chief Municipal Executive Officer Municipal Executive Officer and duly authenticated copies thereof have been submitted to him :

Provided that in the case where the production of a licence under this Act is a preconditions for the grant of a licence under any other law for the time being in force, the Chief Municipal Executive Officer/ Municipal Executive Officer may grant a provisional licence which shall be authenticated to be final only upon the production of a licence or permission under the said law :

Provided further that such provisional licence shall have validity only for the purpose of fulfilling the preconditions of the grant of a licence under any other law as aforesaid.

(3) In specifying the terms of a licence granted under
This section, the Chief Municipal Executive Officer/Municipal Executive Officer may require the licence to take all or any of such measures as he may deem fit to guard against danger to life, health or property or for the abatement of nuisance of any kind.

(4) The Municipality shall by regulations, determine the fees to be paid in respect of a licence granted under sub-section (1) and may specify different fees for different categories of non-residential uses in different areas within the municipal area :

Provided that no such fee shall exceed rupees two thousand and five hundred in any case.

(5) The Municipality may by regulations, determine :-

(a) as to when the initial licence is to be taken out and the procedure of annual renewal thereof and

(b) The matter connected with the display of licence, inspection or premises, power of inspectors and such other matters as may be deemed necessary.

Registers to maintain.

370. The Chief Municipal Executive Officer/ Municipal Executive Officer shall

maintain in such form and in such manner as may be prescribed two separate registers of which –

(a) one shall contain premise wise information of non- residential uses indicating the unique premises number if any assigned under this Act, and

(b) The other shall contain such information on the basis of different non-residential user group for factories, warehouses, medical institution, educational institution and such other uses as maybe provided by regulation.

Municipal licence for private markets.

371. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Municipality grants to any person a licence to establish or keep open a private market on payment of such fees as may be determined by the Municipality by regulations and may specify such conditions consistent with this Act as he may deem fit.

(2) When the Chief Municipal Executive Officer/Municipal Executive Officer refuses to grants any licence, he shall record a brief statement of the reasons for such refusal in writing.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Municipality and for reasons to be recorded in writing by order suspended a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market in respect of which the licence has been suspended or cancelled under subsection (3) shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Municipal licence for sale of flesh, fish and poultry.

372. (1) No person shall without or otherwise than in conformity with a licence from the Chief Municipal Executive Officer/ Municipal Executive Officer any on the trade of a butcher, fishmonger, poultry or importer of flesh, intended for human food, or use any place for the sale of flesh, fish or poultry intended for human food.

Provided that no person shall sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Chief Municipal Executive Officer Municipal Executive Officer may by general order made in this behalf require in token of the fact that the animal has been slaughtered in a municipal or licensed slaughterhouse :

Provided further that no licence shall be required for any place used for sale or storage for sale of preserved flesh or fish contained in air tight or hermetically sealed receptacles.

(2) The Chief Municipal Executive Officer/Municipal Executive Officer may by order and subject to such conditions as to supervision and inspection as he may think fit to impose, grant a licence or may by order and for reasons to be recorded in writing, refuse to grant a licence.

(3) The Municipality shall by regulation, determine the procedure for the issue of a licence and renewal thereof.

(4) If any place is used for the sale of flesh, fish or poultry intended for human food in contravention of the provisions of this section, the Chief Municipal Executive Officer/ Municipal Executive Officer may

stop the use of such place in such manner as he may consider necessary.

Prohibition unlicensed activities

373. (1) Without or otherwise than in conformity with the terms of a licence granted by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf, no person shall within the municipal area use or permit to be used any land or building:

(a) for keeping horses, cattle, or other quadrupled animals or birds for transportation sale or hire or for sale of the produce, or

(b) as a market in respect of which a licence is required under this Act or (c) for carrying out work as an artisan or

(d) For trade of a butcher, fish-monger, poultry or importer of flesh intended for human food or for sale thereof.

(2) If any land or building, public or private use or permitted to be used in contravention of the provisions of sub-section (1), the Chief Municipal Executive Officer Municipal Executive Officer may stop the use thereof by such means as he deems fit and may confiscate any article in respect of which such use is being made, and prepare an inventory thereof and in the case of

perishable items, auction them without notice.

Power to stop use of premises used contravention licences.

374. (1) If the Chief Municipal Executive Officer/Municipal Executive Officer is of the opinion that any premises is being used for a non-residential purpose without a licence under this Act or otherwise than inconformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

(2) If a person continues to use a premises in contravention of the provisions of sub-section (1)the Chief Municipal Executive Officer/ Municipal Executive Officer may notwithstanding any other action that may be taken against such person under this Act, levy on such person a continuing fine in accordance

with the provisions of sub-section (4)of section 367.

Power to seize food or drug etc.

375. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any officer or any other employee of the Municipality authorized by him in this behalf may at the time in day or night without notice, inspect and examine any food or drug or any utensil or vessel used for preparing, manufacturing or storing such food or drug.

(2) If, upon such inspection or examination any such food or drug is in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee authorized by him in this behalf, unwholesome or unfit for human consumption or is not what it is represented to be or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured or stored therein, unwholesome or unfit for human consumption, he may seize, seal or carry away such food or drug or utensil or vessel.

(3) If any food or drug seized under sub-section (2) is in the opinion of the Chief Municipal Executive Officer Municipal Executive Officer unfit for human consumption he shall cause such food or drug to be forthwith destroyed in such manner as to prevent its being exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possessions such food or drug was at the time of it seizure.

Chapter-XXXIX

Vital Statistics

Appointment of Chi Registrar

Registrars.

376. (1) The Chief Municipal Health Officer shall be the Chief Registrar of births and
(2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall for the purpose of this chapter appoint such number of persons to be Registrars of births and deaths as he deems necessary and shall define the respective areas which shall be under the charge or such Registrars.

Duties of Registrar.

377. Each Registrar shall keep himself informed of every birth or death occurring within the area of his jurisdiction and shall ascertain such particulars in respect of every birth or death as may be prescribed in this behalf.

Registrar's books to be maintained.

378. (1) Such particulars regarding births and deaths as the Chief Municipal Executive Officer/ Municipal Executive Officer may from time to time specify shall be entered in separate registers of births and of deaths and such registers shall be maintained by each Registrar.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall specify the form of the registers required to be maintained under subsection (1) and the manner in which such registers shall be maintained.

(3) On an application from a person interested, the Chief Registrar or a Registrar as the case may be, shall issue an extract from any entry in a register on payment of such fees as may be determined by the Municipality by regulations.

Registration of births and deaths.

379. Subject to the provisions of the Registration of Births and Deaths Act 1969 (18 of 1 969), the Municipality shall cause registration of births and deaths taking place within the municipal area and extracts of information there from shall be supplied on application in such form of a certificate, and on payment of such fees as may be determined by regulations.

Registration of child of name.

380. (1) When the births of any child has been registered and the name, if any or of alteration by which it was registered is altered or if it was registered without a name, when a name is given to it, the parent or the guardian of such child or other person proposing such name to be altered or given may within sixty months next after the registration of the birth, deliver to the Registrar of the area in which the birth was registered such certificate as hereinafter provided and the Registrar upon the receipt of the certificate shall without any erasure of the original entry forthwith enter in the register the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as the Chief Municipal Executive Officer/ Municipal Executive Officer may from time to time specify and shall be signed by the parent, or the guardian of tire child or other person proposing the name of the child to be altered or given.

Correction of errors in registers of births or deaths.

381. (1) Any clerical error which may at any time be discovered in a register of births or births or register of deaths may be corrected by any person authorized in this behalf by the Chief Municipal Executive Officer/ Municipal Executive Officer.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin without any alteration of the original entry upon production to the Chief

Municipal Executive Officer/ Municipal Executive Officer by the person requiring such error to be corrected of a declaration (setting forth the nature of the error and the fact of the case) on oath made before a Magistrate, by the person required by this Act to give information concerning the birth or death with reference to which the error has been made or in default of such person by a person having knowledge of the case.

(3) Except as provided in sub-section (2) no alteration shall be made in any such register.

Information of births.

382. It shall be the duty of the father or the mother of every child born in the municipal area and in default of the father or the mother of any relation of the child living in the same premises and in defaults of such relation of the person having charge of the child to give to the best of his or her knowledge and belief to the Registrar of the area concerned within eight days after such birth,
information containing such particulars as may be prescribed in this behalf.

Provided that

(a) in the case of an illegitimate child no person shall as father of such child be required to give information under this Act concerning the birth of such child and the Registrar shall not enter in the register the name of any person as father of such child except at the joint request of the mother and the person acknowledging himself to be the father of such child and such person shall in such case, sign the register together with the mother.

(b) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given and

(c) When a child is born in a hospital or a nursing home or a maternity home, none but the officer-in-charge thereof shall be bound to forward forthwith to the Registrar a report of such birth in such time and in such form as the Chief Registrar may from time to time specify.

Information regar finding of new child.

383. In case any newborn child is found exposed it shall be the duty of any person finding such child or of any person in whose charge such child may be place to give to the best of his knowledge and belief to the Chief Registrar or the Registrar within eight days after the finding of such child such information of the particulars required to be registered concerning the birth of such child as such person possesses.

Information regar deaths.

384. It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in the municipal area and in default of such relation of any person present or in attendance at the time of the death and of the occupier of the premises in which to his knowledge, the death took place and in default of the person as aforesaid of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of to give to the best of his knowledge and belief to the Registrar of the area within which the death took place information containing such particulars as may be prescribed within twenty four hours of such death :

Provided that –

(a) if the cause of death is known to be a dangerous diseases the information as aforesaid shall be given within twelve hours of its occurrence and

(b) If the death of any person occurs in a hospital or a nursing home

or a maternity home it shall be the duty of none but the medical officer or other officer-in-charge thereof to forward forth withal report of such death in such form as the Chief Registrar may from time to time specify.

Medical Practitioner to certify cause of death.

385. In the case of a person who has been attended his last illness by a duly qualified medical practitioner such practitioner shall within three days of his becoming cognizant of the death of such person, sign and forward to the Chief Registrar a certificate of the cause of death of such person in such form as shall from time to time be specified by the Chief Municipal Executive Officer/Municipal Executive Officer in this behalf and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.

Duties of police in

386. It s

of a duly appointed mortuary and thereafter to inform the Registrar within whose jurisdiction such corpse was found.

Sextons etc. not to bury etc.

387. A sexton or a keeper of a registered burial or burning ground or other place for disposal of the dead, whether situated in municipal area or not shall not bury burn or otherwise dispose of or allow to be buried burnt or otherwise disposed of any corpse unless such corpse is accompanied by a certificate in such form as may be prescribed and signed by a Registrar appointed under section 376 or by a registered medical practitioner or any other medical practitioner authorised by the Registrar.

corpse.

Chapter - XL

Disaster Management

Management of natural or technolo disasters.

388. (1) As far as possible, the Municipality shall in collaboration with the concerned authorities of the Central Government or the State Government including the meteorological office, shall prepare environmental base maps and impact area diagrams and shall collect other relevant data and shall take necessary steps for erecting installation and other accessories required to mitigate the effects of natural or technological disasters.

(2) The Municipality shall organize emergency operations and promote public awareness in relation to disaster management.

(3) The Municipality shall take adequate measure to implement the regulations, if any made by the planning and urban development authorities to mitigate earthquake hazards in high seismic zones and to promote citizen awareness in this regard.

Chapter-XLI

Industrial Townships

Exclusion of industrial Townships municipal areas.

389. No Municipality shall be constituted in such urban area or part thereof as the Governor may having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit by notification specify to be an industrial township.

POWERS, PROCEDTIRES, OFFENCES AND PENAITIES

Chapter-XLII

Procedure

A. Licence and Permission

Signature, cond duration, suspen revocation etc. licence permission.

390. (1) Wherever it is provided in this Act or the rules or the regulations made there under that a licence or a permission in writing may be granted for any purpose, such licence or permission shall be signed by the Chief Municipal Executive Officer/ Municipal Executive Officer or by any other officer empowered to grant such licence or permission under this Act or the rules or
the regulations made there under and shall
specify the following particulars in addition to any other particulars required to be specified under any other provision of this Act, or the rules or the regulation made there under:

(a) the date of the grant of licence or permission,
(b) the purpose or the period, if any for which it is granted,
(c) restrictions or conditions of any subject to which it is granted, (d) the name and address of the person to whom it is granted and (e) The fee, if any paid for the licence or the permission.

(2) Except as otherwise provided in this Act or the rules or the regulations made there under for every such licence or permission, a fee may be charged at such rate as may from time to time, be fixed by the Municipality and such fee shall be payable by the person to whom the licence or the permission is granted.

(3) Save as otherwise provided in this Act or the rules or the regulations made there under, any licence or permission granted under this Act or the rules or

the regulations made there under may at any time, be suspended or revoked by the Chief Municipal Executive Officer/ Municipal Executive Officer or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud, or if any of the restrictions or conditions of licence or permission has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provision of this Act or the rules or the regulations made thereunder relating to any matter for which the licence or the permission as the case may be was granted :

Provided that –

(a) before making any order of suspension or revocation, an opportunity shall be given to the grantee of the licence or the permission to show cause why it should not be suspended or revoked and
(b) Every such order shall contain a brief statement of the reasons for the suspension or the revocation of the licence or the permission as the case may be.

(4) When any such licence or permission is suspended or revoked or when the period for which such licence or permission was granted has expired the grantee shall for the purpose of this Act and the rules and the regulations made thereunder be deemed to be without a licence or permission, as the case may be until such time as the order of suspending or revoking the licence of the permission as the case maybe is rescinded or until the license or the permission as the case may be is renewed.

(5) Every grantee of any licence or permission granted under this Act shall at all reasonable times while such licence or permission as the case may be remain in force, if so required by the Chief Municipal Executive Officer/ Municipal Executive Officer or the other officer by whom it was granted, produced such licence or permission as the case may be.

B. Entry and Inspection

Power to entry.

391. The Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or employee of the Municipal authorised by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf, or empowered by or under any provision of this Act, may enter into or upon any land or building With or without assistants or workmen, for the purpose of –

(a) ascertaining whether in connection with the land or the building there is or has been any contravention of the provisions of this Act or the rules or the regulations made there under, or

(b) ascertaining whether or not circumstance sexist which render it necessary to take immediate action by the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or employee of the Municipality authorised by him in this behalf ,or empowered by or under any provision of this Act or the rules or the regulations made hereunder, or

(c) taking any action or executing any work authorised or required by or under this Act or the rules or the regulations made thereunder, or (d) making such inquiry inspection, examination, measurement, valuation or survey as may be authorized or required by or under this Act or as may be necessary for the proper administration of this Act, or

(e) Generally ensuring efficient discharge of the functions by any of the municipal authorities under this Act or the rules or the regulations made thereunder.

Power to enter land or adjoining land in relation to any work

392. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him in this behalf, or empowered by or under this Act, may enter upon any land within fifty meters of any work authorised by or under this Act with or without assistants or workmen, for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purpose connected with the execution thereof.

(2) Every person so authorised shall, before entering upon any such land, state the purpose thereof, shall, if so required by the owner or the occupier thereof, fence off so much of the land as may be required for such purpose.

(3) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be necessary, and compensation shall be payable by the municipality in accordance with the rules to the occupier of such building or such land or to both for any such damage, whether permanent or temporary.

Breaking into building.

393. (1) It shall be lawful for the Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him in this behalf, or empowered by or under this Act, to make any entry into any place and to open or cause to be opened any door, gate or other barrier,-

(a) if he considers the opening thereof is necessary for the purpose of such entry and

(b) If the owner or the occupier is absent or, being present, refuses to open such door, gate or other barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barriers the Chief Municipal Executive Officer/ Municipal Executive Officer or the person authorised or empowered in this behalf shall call upon two or

more respectable inhabitants of the locality in which the place to be entered into is situated to witness the entry or the opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to Empowered Standing Committee as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

Time of making entry.

394. Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry authorized under this Act shall be made except between the hours of sunrise and sunset :

Provided that if the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that the erection of any building or the execution of any work has been commenced or is being carried on in contravention of the provisions of this Act in any premises between the period of sunset and sunrise he may if he considers it necessary so to do enter such premises during such period accompanied by an officer to make an inspection thereof and take such action as may be necessary under this Act.

Consent be obtained.

ordinarily to 395. Save as otherwise provided in this Act or the rules or the regulations made thereunder no land or building shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving such occupier or owner as the case may be not less than twenty four hours' notice in writing of the intention to make such entry.

Provided that no such notice shall be necessary if the Municipality considers for reasons to be recorded in writing that there is immediate urgency of such entry and the services of a notice in writing may defeat its purpose.

Provided further that no such notice shall be necessary, if the land or the building to be entered is a factory or workshop or trade premises or place used for any of the purpose referred to in section 314 or a stable for horse or a shed for cattle or a latrine or a urinal or a work under construction or for the purpose of ascertaining whether any animal intended for human consumption is slaughter on such land or in such building in contravention of the provision of this Act or the rules or the regulations made thereunder.

Regard to be had to social or reli usages.

396. When any land uses as human dwelling is entered under this Act, due regard shall be paid to the social religious customs and usages of the occupants of the place entered and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her withdrawing.

Prohibition obstruction molestation execution of work.

397. No person shall obstruct or molest any person authorised or empowered by or under this Act, or with whom the Municipality or any of the municipal authorities referred to in section 20 has lawfully contracted, in the execution of his duty or anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or the rules or the regulations made thereunder, or in fulfilment of his contract as the case may be.

C. Public Notice and Advertisement

Public notices how to be made known.

398. Every public notice given under this Act or the rules or the regulations made there under shall be in writing under the signature of the Chief Municipal Executive Officer/ Municipal Executive Officer or any

other officer of the Municipality authorised by him in this behalf, and shall be widely made known in the locality to be affected thereby by affixing copies thereof, in conspicuous public places within such locality or by publishing the same by advertisement in local newspapers or by such other means as the Chief Municipal Executive Officer/ Municipal Executive Officer may think fit.

Newspa

pers in which 399. Whenever it is provided by or under this Act or the rules or the regulations newspapers or a notification or information shall be published in local newspapers such notice, notification or information shall be inserted in at least two newspapers of which at least one shall be in the regional language.

D. Evidence

Proof of

consent etc. of 400. Whenever under this Act or rules or the regulations made thereunder the Municipality,

doing of or the omission to do anything or the validity of anything done Empowered

depends upon the approval, sanction, consent, concurrence, declaration, Standing Committee, opinion or satisfaction of –

Chief Councillor,
Chief Municipal

(a) the Municipality or

(b) The Empowered Standing Committee or

Executive Officer/
Municipal Executive

(c) The Chief Councillor or Officer etc. (d) The any other officer of the Municipality.

As the case may be a document, in writing signed –

i. in the case referred to in clause (a) and clause (b) by the Municipality Secretary where there is a Municipality Secretary or where there is no Municipality Secretary by the Chief Municipal Executive Officer/ Municipal Executive Officer and

ii. in the case referred to in clause (c) and clause(d) by the Chief Municipal Executive Officer/ Municipal Executive Officer,

Purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion, satisfaction as the case may be shall be sufficient evidence thereof.

E. Notices etc.

Notice etc. to

401. Where any notice, bill, order, or requisition, issued or made under this Act reasonable time. or the rules or the regulations made thereunder required anything to be done for the doing of which no time is fixed in this Act or the rules or the regulations made thereunder such notice, bill, order or requisition shall specify a reasonable time for doing the same.

Signatur

e on notice

402. (1) Every licence, permission in writing, notice, bill summons or other etc. may be stamped.

documents which is required by this Act or the rules or the regulations made thereunder to bear the signature of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality shall be deemed to be properly signed if it bears a facsimile of the signature of the Chief Municipal Executive Officer Municipal Executive Officer or such other officer as the case may be and stamped thereupon.

(2) Nothing is sub-section (l) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 82.

403. Every notice, bill, summons or other document required by this Act or the rules or the regulations made thereunder to be served upon, etc. by whom to or issued to any person shall be served or issued by an officer or other employee of the Municipality or by any person authorised by the Chief Municipal Executive Officer/ Municipal Executive Officer in that behalf. Notice be served or issued.

404. (1) Every notice, bill, summons order, requisition or other document of notice etc. required or authorised by this Act or the rules or the regulations made thereunder to be served or issued by or on behalf of the Municipality or by any of the municipal authorities referred to in section 20 or by any officer or other employee of the Municipality, shall save as otherwise provided in this Act or the rules or the regulations made thereunder be deemed to be duly served. Service

(a) where the person to be served is a company, if the document is addressed to the Secretary of the company at its registered office or at its principal office or place of business and is either –

i. sent by registered post or
ii. delivered at the registered office or at the principal office or place of business of the company or

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on and is either –

i. sent by registered post or
ii. delivered at the said place of business or

(c) where the person to be served is a public body or a Municipality, or a society or other body, if the document is addressed to the secretary, treasurer or other officer of such public body, Municipality, society, or other body at its principal office, and is either, -

i. sent by registered post, or
ii. delivered at that office, and

(d) in any other case, if the document is addressed to the person to be served, and

i. is given or tendered to him, or
ii. if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the municipal area, or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
iii. Is sent by registered post to such person.

(2) Any document, which is required or authorized to be served on the owner or the occupier of any land or building, may be addressed to "the owner" or "the occupier", as the case may be, of such land or building (naming such land or building) without further name or description, and shall be deemed to be duly served, -

(a) if the document so addressed is sent or delivered in accordance with clause (d) of subsection(l), or

(b) If the document or a copy thereof so addressed is delivered to

some person on the land or the building or, where there is no such person to whom it can be delivered, is affixed to some conspicuous part of such land or building.

(3) Where a document is served on a partnership under this section, the document shall be deemed to be duly served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the occupier of such premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in section 402 or section 403 or in this section shall apply to any summons issue under this Act by any court.

Explanation. - For the purposes of this section, a servant shall not be deemed to be a member of the family.

E. Enforcement of Orders to Execute Works etc.

405.(1) When, under this Act or the rules or the regulations made there under for complying any requisition or order is made by a notice, in writing, issued to any person or with requisition persons by any municipal authority or any officer of the Municipality, such or order, and power of authority or officer shall specify in such notice such period within which - Time the Chief such authority or Officer to enforce officer, a

(2) If any such requisition or order or any portion thereof is not complied with within the period specified in the notice under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may, subject to the provisions of section 406 and such regulations as may be made by the Municipality in this behalf, take such measures, or cause such measures to be taken, as may, in his opinion, be necessary for causing due compliance with such requisition or order, and, except where otherwise expressly provided in this Act or the rules or the regulations made thereunder, the expenses, if any, incurred by such authority or officer in causing such compliance shall be paid by the person or persons to whom such notice is issued.

(3) The Chief Municipal Executive Officer/ Municipal Executive Officer may take any scheme, execute any work, or cause anything to be done under this section, notwithstanding any prosecution or punishment or liability to punishment of any person under this Act or the rules or the regulations made thereunder for his failure to comply with such requisition or order.

406. (1) Any person who has been served with a notice under sub-section (1) Submiss ion of of section 405 may, within such period as is specified in such notice, deliver to objectio ns to comply the municipal authority or the officers or the Municipality, as the case may be, with notice.

any objection, in writing, setting forth the objections which he may desire to state for withdrawal or modification of such notice.

(2) Every such objection shall be placed before the Chief Municipal Executive Officer/ Municipal Executive Officer for determination and, pending such determination, compliance with any requisition or order in accordance with such notice shall be stayed.

(3) The Chief Municipal Executive Officer Municipal Executive Officer or, if he so directs, any other officer of the Municipality of

such rank as may be specified by him, other than an officer who has issued such notice, shall, after hearing the person concerned or his agent duly authorized by him, in writing, in this behalf and after considering the circumstances of the case, make such order, either confirming or modifying or cancelling the notice, as he thinks fit.

(4) (a) Where the Chief Municipal Executive Officer/ Municipal Executive Officer or the other officer of the Municipality referred to in subsection (3) makes an order under that subsection, either confirming or modifying the notice, he may, if he thinks fit, -

i. direct that a portion of the expenses, if any, to be incurred in complying with the notice as confirmed or modified shall be borne by the Municipality, and

ii. Fix a time within which the notice so confirmed shall be complied with.

(b) If the notice as confirmed or modified is not complied with by such person within the time fixed under sub-clause (ii) of clause (a), the Chief Municipal Executive Officer shall take such measures, or cause such work to be executed, or such thing to be done, as may, in his opinion, be necessary for causing due compliance with such notice, and the expenses, if any, incurred by the Chief Municipal Executive Officer is this behalf shall be payable to the Chief Municipal Executive Officer on demand and, if not paid within ten days of such demand, shall be recoverable as an arrear of tax under this Act.

G. Recovery of Expenses.

407. (1) When, under this Act or the rules or the regulations make thereunder, Municipality to the expenses of any measure taken or work executed or thing done by or into agreement under the order of any municipal authority or any officer of the Municipality Magistrate are payable by any person, the Chief Municipal Executive Officer/Municipal Executive Officer may, if he thinks fit and with the approval of the Empowered Standing Committee, notwithstanding anything to the contrary contained in this Act or the rules or the regulations made thereunder, enter into an agreement with such person for payment of such expenses in such instalments, and at such intervals, as will secure the recovery of the whole amount due with interest thereon at such rate of interest as may be determined by the State Government from time to time within such period, not exceeding six years, as the Municipality may determine.

ower of enter or for payment of any expenses in instalme nt.

(2) Every such agreement shall provide for adequate security against the whole amount due from such person.

408. (1) If any expenses are to be recovered or are incurred on account of any Municipality work mentioned –

(b) in the rules or the regulations made under this Act,

declare improvement expenses.

The Municipality may, if it thinks fit, declare such expenses to be an improvement expenses.

Power of to certain

(2) A register shall be maintained by the Chief Municipal Executive Officer/ Municipal Executive Officer showing all expenses, declared to be an improvement expenses under this section and such register

shall be open to inspection try any person upon payment of such fee as may from time to time be determined by the Empowered Standing Committee.

Improvement expenses recoverable and whom payable.

409. (1) Any improvement expenses under section 408 shall be charge on the premises in respect of which or for the benefit of which such expenses are incurred and shall be recoverable in such instalments and at such intervals, as may be sufficient to discharge such expenses with interest thereon at such reasonable rate as may be determined by the Municipality from time to time and within such period not exceeding thirty years as the Municipality may in each case determine.

(2) The improvement expenses shall be payable by the owner or the occupier of the premises on which such expenses are chargeable.

Recovery improvement expenses paid occupier.

410. Notwithstanding anything contained in this section when the occupier of any premises pays any instalment of improvement expenses he shall subject to any agreement to the contrary, if any, between himself and the owner of such premises be entitled to deduct the amount of such instalment from the rent payable by him to such owner or to recover such amount from such owner in pursuance of any order of a court of competent jurisdiction.

Right of owner occupier to charge improvement expenses.

411. At any time before the expiration of the period for payment of any improvement expenses, the owner or the occupier of the premises on which such expenses are chargeable may redeem such charger by paying to the Municipality such part of such expenses as is still payable.

Executio n of work on the failure of owner.

412. Whenever the owner of any land or building fails to execute any work by which he is required to be executed under this Act or the rules or the regulations made thereunder, the occupier if any, of such land or building may with the approval of the Chief Municipal Executive Officer/ Municipal Executive Officer execute such work and shall subject to any agreement to the contrary between himself and the owner of such land or building be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deducted any amount thereof from the rent payable by him to such owner.

Relief to recei

413. (1) Whenever under this Act or the rules or the regulations made

(a) receiving the rent of any immovable properly as receiver or agent or trustee of such property or

(b) being such receiver or agent or trustee would receive the rent if such property were let to a tenant, is bound to discharge any obligation imposed on the owner of such property but has not at his disposal funds, belonging or payable to such owner, sufficient for the purpose of discharging such obligation he shall within a period of six weeks from the date of service upon him by any municipal authority or officer of the Municipality empowered in this behalf under this Act, of any notice requiring him to discharge such obligation apply to a court of competent jurisdiction for leave to raise such funds or for such directions as he may consider necessary for such purpose.

(2) If such receiver or agent or trustee fails to apply to a court of competent jurisdiction under sub-section (l) or after such court has granted leave to raise funds or has issued directions, fails to discharge such obligation or to comply with such directions within twelve months of such leave or such directions he shall be personally liable to discharge such obligation.

H. Payment of Compensation

414. In any case not otherwise expressly provided for in this Act or the rules or the regulations made thereunder the Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Empowered Standing Committee pay compensation to any person who sustains damage by reasons of the exercise of any of the powers vested by this Act or the rules or the regulations made thereunder on the Chief Municipal Executive Officer/ Municipal Executive Officer or on any other officer or other employee of the Municipality.

General power of Municipality to compensation.

415. (1) Any person who has been convicted of any offence under this Act or the rules or the regulations made thereunder shall without prejudice to any punishment to which he may be subject be liable to pay such compensation for damage to property as the appropriate municipal authority may consider reasonable.

Compensation to be paid for

(2) In the case of any dispute regarding the amount of compensation under sub-section (1) such amount shall on an application, in writing made by such person to the Magistrate who convicts such person of such offence be determined by such Magistrate and if the amount of compensation so determined is not paid by such person, such amount shall be recovered under a warrant from such Magistrate as if it were a fine imposed by him on the person liable thereof.

I. Recovery of expenses or compensation in case of disputes

416. (1) If in respect of any expenses referred to in section 407, any dispute is referred to the Civil Court in accordance with the provisions of section 415, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not recover such expenses pending the decision of the Civil Court.

Reference of recovery of expenses.

(2) Upon such reference, the Chief Municipal Executive Officer/ Municipal Executive Officer shall defer further proceedings for the recovery of such expenses and shall recover only such amount if any as may be determined by the Civil Court having jurisdiction.

417. Save as otherwise provided in this Act or the rules or the regulations made thereunder or in any other law for the time being in force in the case of certain cases any dispute in respect of any expenses or any compensation payable to any person under this Act or the rules or the regulations made thereunder, the amount of such expenses or such compensation shall be determined by the Civil Court having jurisdiction at any time within one year from the date of such expenses or such compensation first becoming due.

Application to Civil Court in of payment of pe

418. If the amount of any expenses or compensation determined under section 417 is not paid on demand such amount shall be recoverable as if the same were an arrear of property tax.

Recovery of expenses or compensa

419. Notwithstanding anything contained in section 418, any expenses or compensation determined under section 417 may be recovered by a suit brought in a court of Competent jurisdiction.

Recovery of expenses or compensation by suit in court.

J. Recovery of certain dues

420. Save as otherwise provided in this Act or the rules or the regulations made thereunder any sum due to the Municipality on account of any charge, fee, rent or other payment shall be recoverable as an arrear of property tax due to the Municipality.

Recovery of certain dues of Municipality.

cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if it were property tax.

K. Obstruction of owner by occupier

421. (1) Any owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of the Act or the rules or

Application to Civil Court by occupier from the Act etc.

prevents him jurisdiction within the time fixed for compliance with such provision or complying with requirement and thereupon, such owner shall not be liable for his failure to comply with such provision or requirement within the time fixed for such compliance.

(2) On receipt of any application under sub-section (1) the Civil Court may make an order in writing requiring the occupier of the land or the building as the case maybe to afford all reasonable facilities to the owner for complying with the provisions or the requirement as aforesaid and may also, if it thinks fit, direct that the costs of such application and order shall be paid by the occupier.

(3) The occupier shall within eight days from the date of any order under sub-section (2) afford all reasonable facilities to the owner in compliance with such order, in the event of any continued refusal by the occupier to do so, the owner shall be discharged during the continuance of such refusal from any liability which he would otherwise have incurred by reason of his failure to comply with the provision or the requirement as aforesaid.

L. Proceedings before the Civil Court.

422. (l) Whenever under this Act any application or appeal or reference is made to a Civil Court having jurisdiction, such Civil Court may for the purpose

Proceedings in Civil Court.

of any inquiry or proceeding in connection with such application, appeal or reference summon and enforce the attendance of witness and compel them to give evidence or compel the production of documents by the same means and as far as possible in the same manner as is provided in the Code of Civil Procedure 1908 and in all matters relating to any such enquiry or proceedings the court shall be guided generally by the provisions of the Code of Civil
Procedure, 1908 (5 of 1908) so far as such provisions are applicable to such inquiry or proceeding.

(2) If in any such enquiry or proceeding any person summoned to appear before the Court fails to do so the court may proceed with such inquiry or proceeding in his absence.

(3) The cost of every such inquiry or proceeding shall be payable by such person or persons and in such proportions or proportions as the Court may direct and the amount of such cost shall be recoverable as if the same were due under a decree of the court.

423. (1) The Municipality may specify a fee-

Fees in proceedings before Civil Court.

(a) for making under this Act any application, appeal or reference to a Civil Court having jurisdiction or

(b) for issue of any summons or other process in inquiry or

proceeding in connection with such application, appeal or reference,

Provided that the fee, if any under clause (a) shall not in the case where the value of any claim is capable of being estimated in money, exceed the fee liveable in a similar case under the Code of Civil Procedure 1 908.

(2) No application, appeal or reference under this Act shall be received by a Civil Court having jurisdiction until the fee, if any under clause (a) of sub-section (1) has been paid,

Provided that the Civil Court may, in any case in which it thinks fit so to do –

i. receive such application, appeal or reference or
ii. Issue summons or other process, without payment of such fee.

424. Whenever under this Act any application, appeal or reference to a Civil Court having jurisdiction is settled by agreement between the parties

Repaym ent of half of concerned before hearing of such application, appeal or reference half the fees on settleme nt amount of any fee paid by any such parties under sub-section (2) of section before hearing. 423 shall be repaid by the Civil Court to such party.

M. Municipal Magistrate and proceedings before Municipal Magistrates

425. (1) The State Government may, in consultation with the High Court of the State appoint one or more Judicial Magistrate of the First Class for the trial of Munici pal Magistrate. offence against –

(a) this Act, and,
(b) The rules and the regulations made thereunder, and may prescribe the time within which and the place at which such Judicial Magistrate or Judicial Magistrates shall sit for such trial of offences.

(2) Every such Judicial Magistrate shall exercise all other powers and discharge all the other functions of a Magistrate as provided in this Act.

(3) Every such Judicial Magistrate appointed under sub-section (1) shall be called Municipal Magistrate.

(4) A Municipal Magistrate shall be paid by the State Government such salary pension, leave and other allowances as it may from time to time determine.

(5) The Municipality shall pay to the Municipal Magistrate out of the Municipal Fund and amount paid by the State Government on account of salary, pension, leave and other allowances of a Municipal Magistrate together with the cost of establishment of such Municipal Magistrate and all other incidental charge in such connection with such establishment.

(6) Each Municipal Magistrate shall have jurisdiction over such municipal area or areas as may be specified by the State Government by notification.

(7) The procedure in the court of a Municipal Magistrate shall except where otherwise specifically provided in this Act be in accordance with the provisions of the Code of Criminal Procedure ,1973 (2 of 1973).

426. The offences mentioned under section 340, section 350, section 353, section 397 and section 462 shall be cognizable within the meaning of the Certain offences to be cognizab

le.
Code of Criminal Procedure, 1973.

Power of Municipal Magistrate to hear and determine cases.

427. If, in any case any person who is summoned to appear before the Municipal Magistrate to answer any charge of an offence under this Act or the rules or the regulations made thereunder fails to appear before the Municipal Magistrate on the date to which the hearing of such case is adjourned, the Municipal Magistrate may if-

(a) Service of the summons is to his satisfaction, proved to have been effected and,
(b) No sufficient cause is shown for non-appearance of such person.

Hear and determine such case in the absence of such person.

Limitation of time for prosecution.

428. No person shall be liable to any punishment for an offence under this Act or the rules or the regulations made thereunder unless a complain of such offence is made before a Municipal Magistrate within six months next after-

(a) the date of commission of such offence or,
(b) The date on which the commission or the continuance of such offence is first brought to the notice of the Municipality or the Chief Municipal Executive Officer/ Municipal Executive Officer.

Complaint regarding nuisance and removal thereof.

429. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality authorized by him in this behalf in writing or any person who resides or owns property in the municipal area, may complain of the existence of any nuisance to a Municipal Magistrate.

(2) Upon receipt of any such complaint, the Municipal Magistrate after making such inquiry as he considers necessary may if he thinks fit by an order in writing –

(a) direct the person responsible for such nuisance or the owner of the land or the building on which such nuisance exists to take within such period as may be specified in the order such measures for abating, preventing removing or remedying such nuisance as may appears to the Municipal Magistrate to be practicable and reasonable and may direct the Chief Municipal Executive Officer/ Municipal Executive Officer to enforce any of the provisions of this Act or the rules or the regulations made thereunder for prevention of such nuisance and
(b) further direct the person held responsible for the nuisance to pay to the complainant such reasonable cost of the complaint (including compensation for loss of time in prosecution such complaint) as the Municipal Magistrate may determine:

Provided that where in the opinion of the Municipal Magistrate, immediate action to prevent the nuisance is necessary he may dispense with the inquiry and make forthwith such order as he may consider necessary.

(3) If any person responsible for any nuisance or any owner of any land or building on which any nuisance exists fails to comply with any order under sub-section (2) within the period specified in the order, the Chief Municipal Executive Officer/ Municipal Executive Officer may on the expiry of such period proceed to take necessary action in accordance with the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he may consider necessary and the

cost of any such action shall be recovered from such person or such owner as the case may be.

430. (1) If under this Act or the rules or the regulations made thereunder any person is in respect of any unlawful work is liable – Power of Mun Magistrate to payment

of fine and (a) to pay any fine and also

demoliti

on of unlawful (b) to demolish such work, works.

The Municipal Magistrate having jurisdiction may in his discretion, direct such person today the fine and also to demolish the work.

(2) All sums realized on account of fine under this section shall be credited to the Municipal Fund.

N. Legal Proceedings

431. The Chief Municipal Executive Officer/ Municipal Executive Officer may :- Power to institute etc.

legal

proceedings and (a) take or withdraw from proceeding against any person who is charge with – to obtain legal advices.

i. any offence under this Act or any rules or regulations made thereunder or

ii. any offence which affects or is likely to affect any properly or interest of the Municipality or the due administration of this Act or iii. Committing any nuisance whatsoever or

(b) contest or compromise any appeal against assessment of any tax or rate or,

(c) take or withdraw from or compromise any proceeding under this Act for the recovery of expenses or compensation claimed to be due to the Municipality or

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person or,

(e) defend any suit or other legal proceeding brought against the Municipality or against any municipal authority or any officer or other employee of the Municipality in respect of anything done or omitted to be done by the Municipality or such municipal authority or officer or other employee under this Act or the rules or the regulations made thereunder in the official capacity or

(f) compromise with the approval of the Empowered Standing Committee or where there is no Empowered Standing Committee with the approval of the Municipality any claim suit or other legal proceeding brought against the Municipality or any municipal authority or any officer or other employee of the Municipality in respect of anything done or omitted to be done under any of the foregoing clauses of this section or,

(g) withdraw from or compromise any claim against any person in respect of a penalty payable under any contract entered into with such person by the Chief Municipal Executive Officer/ Municipal Executive Officer on behalf of the Municipality or,

(h) institute or prosecute any suit or other legal proceeding or with the approval of the Empowered Standing Committee or where there is no Empowered Standing Committee with the approval of the Municipality withdraw from or compromise any suit or claim other than a claim referred to in clause (d) instituted or made as the case may be in the name of the Municipality or the Chief Municipal Executive Officer/Municipal Executive Officer or,

(i) obtain for any of the purpose mentioned in the foregoing provisions of this section or for securing lawful exercise or

discharge of any power or duty vesting in or imposed upon, any municipal authority or any officer or other employee or the Municipality such legal advise and assistance as he may from time to time consider necessary or expedient or as he may be required by the Municipality or the Empowered Standing Committee to obtain.

Notice Limitations and te

432. (1) No suit shall be instituted in any court having jurisdiction against any municipal authority or any officer or other employee of the Municipality or any be done under this Act or the rules or the regulations made thereunder until the expiration of one month next after a notice in writing has been delivered or left at the office of such authority or at the office or the residence of such officer or other employee or person stating –

(a) the cause of action,
(b) the name and residence of the intending plaintiff and (c) the relief which such plaintiff claims,

(2) Every such suit shall be commenced within four months next after accrual of the cause of action and the plaint therein shall contain a statement that a notice has been delivered or left as required under sub-section (1).

(3) If the municipal authority at the office of which or the officer or the other employee of the Municipality or the person acting under the direction of any municipal authority or any officer or other employee of the Municipality at the office or the residence of whom, a notice has been delivered or left under sub-section (1), satisfies the court having jurisdiction that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.

(4) Nothing in the foregoing provisions of this section shall apply to any suit instituted under section 38of the Specific Relief Act, 1963 47 of 1963).

Indemnity. officer o

433. No suit shall be maintainable against any municipal authority or any direction of any municipal authority or any officer or other employee of the Municipality or a Magistrate in respect of anything done lawfully and in good faith with due care and attention under this Act or the rules or the regulations made thereunder.

O. Power and duties of Police Officer

Co-

operation of police.

434. (1) Every Police- Officer-in-Charge of a police station within the jurisdiction of the Municipality and every officer and every other employee, subordinate to him, if any (hereinafter referred to in this section as the designated authority) shall –

(a) co-operate with the Municipality for carrying into effect and enforcing the provisions of this Act and for maintaining good order in and outside the municipal area and,
(b) Assist the Municipality or the Municipal Executive Officer or any other officer or other employee of the Municipality in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police officer-

i. to communicate without delay to the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality any information which he received in respect of any design to commit or any commission of any offence under this Act or the rules or the regulations made thereunder and,

ii.

to assist the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee of the Municipality requiring his aid for the lawful exercise of any power vesting in the Municipality or the Chief Municipal Executive Officer/ Municipal Executive Officer or such other officer or other employee under this Act or the rules or the regulations made hereunder.

(3) Any officer or other employee of the Municipality may when empowered by a general or special order of the designated authority, if any on the recommendation of the Municipality in that behalf, exercise the powers of a police for such of the purposes of this Act as may be specified in such general or special order.

(4) The District Magistrate, the Sub-Divisional Magistrate and the officer under them and the other employee subordinate to them shall cooperate with the municipal authorities in the performance of their duties under this Act.

Power of Police to arrest offenders.

435. (1) Any police officer may arrest any person who commits in his view, any offence under this Act or the rules or the regulations made thereunder provided that such person declines to give on demand his name and address or gives a name or address which the police officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his correct name and address are ascertained or without the order of a Municipal Magistrate for a period longer than twenty four hours from the time of arrests, exclusive of the period necessary for the journey from the place of arrest to the court of such Municipal Magistrate.

(3) On an application in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer authorised by him in this behalf, any police officer above the rank of a constable shall arrest any person who obstructs the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee of the Municipality in the exercise of any power or performance of any function or discharge of any duty under this Act or the rules or the regulations made thereunder.

(4) On an application in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer, not below the rank of an officer authorized in this behalf by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (3)I any police officer above the rank of a constable shall arrest any person who in violation of the order referred to in sub-section (1) of section 350 commences the erection of a building or execution of any work referred to in that sub-section or carries on such erection or such execution.

P. General provisions

Validity of notice and other documents.

436. No notice, requisition, license or permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

Admissibility of documents or entry as evidence.

437. A copy of any receipt, application, plan, notice order or other document or any entry as any entry in a register in the possession of any municipal authority shall if duly certified by the legal keeper thereof or other person authorized by the Chief Municipal Executive Officer/Municipal Executive Officer in this behalf be admissible in evidence of the existence of the document

or entry and shall be admitted as evidence of the matters and transaction therein recorded in every case where and to the same extent to which the original document or entry would if produced have been admissible to prove such matters and transactions.

Evidence of officer or proceeding

438. No officer or other employee of the Municipality shall in any legal proceeding to which the Municipality is not a party be required to produce any document by a certified copy or to appear as a witness to prove any matter or transaction recorded therein, save by an order made by a court having jurisdiction.

Prohibitions against Municipal Executive Officer or any employee of the Municipality or any municipal authority etc.

439. No person shall obstruct or molest –

(a) person employed by the Municipality or,

(b) any person authorised or empowered by or under this Act or with whom the Municipality or any of the municipal authorities has lawfully entered into a contract,

in the performances of his or its duty or in the execution of his or its work or anything which he or it is empowered or required to do by virtue or inconsequence of any provision of this Act or the rules or the regulation made thereunder or in the fulfilment of the contract as the case may be.

Prohibition against removal of mark.

440. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or the rules or the regulations made thereunder.

Prohibition against removal or obliteration of notice.

441. No person shall without authority remove, destroy, deface or otherwise obliterate any notice exhibited by or under the order of the Municipality or any municipal authority or any officer or other employee of the Municipality specified by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf.

Prohibition against unauthorized de

442. No person shall without authority in that behalf remove earth, sand or other material from or deposit any matter in or make any encroachment on any

Liability for loss, waste or misapplication of money or property of Municipality.

443. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property owned by and vested in the Municipality if such loss, waste or misapplication is a direct consequence of his neglect or misconduct in the performance of his duty and he may after being given opportunity by a notice served in the manner provided for the service of summons in the Code of Civil Procedure 1908 (5 of 1908) to show caused by a representation in writing or oral, why he should not be required to make good the loss by order be surcharged with the value

of such property or the amount of such money by the Director of Local Bodies and if the amount is not paid within one month of the expiry of the period of appeal specified in sub-section (2) it shall be recoverable as an arrear of tax liveable under this Act.

(2) The person against whom an order under subsection (1) is made may within thirty days of the date of communications of the order, appeal to the State Government and the State Government may confirm, modify or disallow the surcharge :

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years or in the case of a Councillor after period of one year from the occurrence of such loss or waste or misapplication.

Councillors and

445. Save as otherwise expressly provided in this Act, nothing contained in this Act shall be construed to authorise the Municipality or any municipal authority or any officer or other employee of the Municipality to disregard any law for the time being in force.

Other laws not to be disregarded.

Chapter-XLIII

Rules and Regulations

446. (1) The State Government may by notification and subject to the condition of previous publications make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Any rules made under this Act may, provide that any contravention thereof shall be punishable with fine which may extend to five thousand rupees.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature while it is in session for a total period often days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the successive sessions aforesaid the State Legislature agrees in making any modification in the rules or the State Legislature agrees that the rules should not be made the rule shall thereafter have effect only in such modified form or be of no effect as the case may be so however that such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under the rule.

Power to amend Schedule.

447. The State Government may by notification add to amend or alter the

Schedule to this Act.

448. The Municipality may from time to time make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the purpose of giving effect to the provisions of this Act. Power to regulations.

449. The power to make regulations under this Act is subject to the condition of the regulations being made after previous publication and to t the following further conditions namely : Conditions precedent to making of regulations.

(a) Such draft of regulations shall not be further proceeded with until a period of one month has expired from the date of such publications.

(b) for not less than one month during such period, a printed copy of such draft shall be kept in the office of the Municipality for public inspection and any person shall be permitted at any reasonable time to peruse such draft free of charge and,

(c) Printed copies of such draft shall be obtainable by any person requiring such draft on payment of such fee as may be fixed by the Empowered Standing Committee.

450. (1) No regulation made by the Municipality under this Act shall have any Regulations to be

(2) Before approving any regulations, the State Government may make such changes therein as may appear to it to be necessary.

451. (1) If the State Government is at any time of the opinion that any Power of

and shall specify a reasonable period within which the Municipality may make such representation with regard thereto as it may think fit.

(2) After receipt and consideration of any such representation or if in the meantime no such representation is received after the expiry of the period as aforesaid, the State Government may at any time by notification cancel or modify, such regulations either wholly or in part.

(3) The cancellation or modification of any regulation under sub-section (2) shall take effect from such date as the State Government may specify in the notification under that sub-section or if no such date is specified, from the date of publication of such notification :

Provided that such cancellation or modification shall not affect anything done or suffered or omitted to be done under such regulation before such date.

(4) Any modification under sub-section (2) shall also be published in local newspapers.

452. Any regulations which may be made by the Municipality under this Act Supplemental provisions respecting regulations.

may be made by the State Government within one year from the date of g commencement of this Act and any regulations so made may be altered or rescinded by the Municipality with the approval of the State Government.

453. (1) Any regulations made under this Act may provide that a contravention for breach of thereof shall be punishable – Penalty

regulation.

(a) with fine which may extend to two thousand and five hundred rupees or, (b) with fine which may extend to two thousand and five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to two hundred and fifty rupees for every day during which such contravention continues after conviction for the first of such contravention or, (c) with fine which may extend to two hundred and fifty rupees for every day during which the contravention continues after the receipt by the person contravening the regulation of a notice requiring such person to discontinue such contravention from the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality, duly authorized in that behalf.

(2) Any such regulation may also provide that a person contravening those regulations shall be required to remedy so far as lies in his power the mischief if any caused by such contravention.

Rules to be available for inspection and purchase.

454. (1) A copy of all rules and regulations made under this Act shall be kept at the office of the Municipality and shall during office hours be open free of charge to inspection by any inhabitant of the municipal.

(2) Copies of such rules and regulations shall also be kept at the office of the Municipality and shall be sold to the public at such price as the Empowered Standing Committee may determine.

Doubts as to powers, duties or functions of Municipal authorities.

455. If any doubt arises as to the municipal authority to which any particular power, duties or function appertains the Chief Councillor shall refer the matter to the State Government and the decision of the State Government thereon shall be final.

Chapter - XLIV

Offences and Penalties

456. Whoever-

(a) contravenes any provisions of any of the sections, sub-section, clauses, provisos or any other provision of this Act or,

(b) Fails to comply with any order lawfully given to him or any requisition, lawfully made upon him under any of the said section, sub-sections, clauses, provisos or other provisions.

Shall be punishable –

i. with fine which may extend to such amount or with imprisonment which may extend to such period, as the State Government may by rules, provide and,

ii. in the case of continuing contravention or failure with an additional fine which may extend to such amount as the State Government maybe rules provide for every day during which such contravention or failure continues after conviction for the first such contravention or failure:

Provided that in the case of a Class 'A' Municipal Council or a Class 'B' Municipal Council or a Class 'C' Municipal Council or Nagar Panchayat, the amount to which the fine may extend for various offences shall be such as the State Government may by rules, provide and in the case of continuing

contravention or failure the daily additional fine may extend to one tenth of the maximum amount of fine provided for such class of municipalities in such rules.

457. Any Councillor who knowingly acquires directly or indirectly any share or interest in any contract made with or any work done for the Municipality except as a shareholder (other than a Director) in an incorporated company or as a member of a co-operative society shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code.

Punishment acquiring share interest etc. Municipality.

458. If any person erects, exhibits, fixes or retains any advertisement referred not paying tax to in chapter XVII without paying any tax under that chapter, he shall be chapter XVII.

Fine for under

punished with fine which –

(a) may extend to an amount equal to five times the amount payable as such tax and

(b) Shall not ordinarily be less than an amount equal to two times of such tax.

459. When any premises is used or is permitted to be used by any person for

Fine for putt that for person

building to two hundred and fifty rupees and in the case of a hut to twenty five rupees and in the case if continuance of such use to a further fine which may extend in the case of a masonry building to fifty rupees and in the case of a hut to five rupees for each day during which such use continues after the first day.

460. Whoever obstructs or molests any person with whom the Municipality has for obstructing entered into a contract for execution of any work under this Act shall on

Penalty contract

or.

convictions be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees.

461. No person shall cause any damage to any property belonging to the to Municipality. thousand rupees.

Penalty for cau

462. No person shall cause any encroachment or obstruction on any municipal property such as a street or footpath or park without specific permission of an officer of the Municipality duly authorised to grant such permission. Any person causing such encroachment or obstruction on any municipal property as aforesaid shall on conviction be punishable with fine which may extend to one thousand rupees.

Encroachment streets.

463. In every case where under this Act an offence is punishable with fine or

Punishm ent of with

imprisonment or fine or with both and a person is sentenced by a Court

imprison ment

as the case may be such further term, not exceeding six months as the Court may fix.

464. Whoever in any case in which a penalty is not expressly provided by this

General penalty. Act fails to comply with any notice or order or requisition issued under any provision thereof or otherwise contravenes any of the provisions of this Act shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing failure or contravention with an additional fine which may extend to one hundred rupees for every day after the first during which he has persisted in such failure or contravention.

465. (1) Where an offence under this Act has been committed by a company every person who at the time the offence was committed was in charge of and

Offences companies.

was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be liable to be proceeded against and punished accordingly –

Explanation :- For the purpose of this section –

(a) "company means body corporate and includes a firm or other association of individuals and

(b) "Director" in relation to a firm, means a partnering the firm.

Prosecution. of any

466. Save as otherwise provided in this Act no Court shall proceed to the trial upon information received from the Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him, by general or special order in this behalf.

Compounding offences.

467. (1) The Chief Municipal Executive Officer/Municipal Executive Officer or if so authorised by the Municipality in this behalf by a general or special order the Municipal Health Officer, the Municipal Engineer or any other officer of the Municipality may either before or after the institutions of the proceeding and on payment of such fee as may be specified by regulations, compound any offence as may be classified as compoundable by the State Government by rules.

(2) Notwithstanding anything contained in subsection (1) no offence punishable by or under this Act or by any rule or regulations made thereunder shall be compoundable if such offence is committed due to the failure to comply with any notice, order or requisition as the case may, be issued by or on behalf of any of the municipal authorities referred to in section 20, unless and until such notice, order or requisition as the case maybe has been complied with in so far as such compliance is possible.

(3) Where an offence has been compounded, the offender if in custody shall be discharge and no further proceeding shall be taken against him in respect of the offence so compounded.

Chapter- XLV

Supplemental Provisions

A. Extension of Act to other area and inclusion or Exclusion *of areas within or from the Municipal area.*

Powers of Government to intention to extend other areas.

468. Notwithstanding anything contained in any other law for the time being in force, the State Government may by notification and in such other manner as it may determine, declare its intention to extend, subject to such modification and restriction, if any as may be specified in the notification, all or any of the provisions of this Act to any other area.

B. Miscellaneous and Transitory Provisions

Provisions of chapter to ove other provisions.

469. The provision of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act.

Removal of difficult

470. lf any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion may require by order do or cause to be done

anything which may be necessary for removing the difficulties :

Provided that no such order shall be made after the expiry of a period of five years from the date of commencement of this Act.

Repeal and saving

471. With effect from the date of coming into force of this Act the other relevant laws/Acts which has taken in the domain of Municipality shall stand repealed.

Transitory provision

472. (1) Notwithstanding anything to the contrary contained elsewhere in this Act, the State Government may appoint a person to be called the Administrator

to exercise all the powers and discharge all the functions of the municipal authorities mentioned in section 20 for the period from the date of coming into force of this Act till the first meeting of the Municipality at which a quorum is present.

(2) The Administrator appointed under sub-section (1) may constitute such Committees and for such period as he may deem fit.

(3) Each such Committee shall consist of not more than twenty five people appointed on such terms and conditions as he Administrator may deem fit and shall advise the Administrator in the discharge of his functions under this Act.

SCHEDULE

(See section 369)

PROPOSES FOR WHICH PREMISES MAY NOTBE USED WITHOUT A LICENCE OR WRITTEN PERMISSION.

1. Aerated water – manufacturing
2. Aerated waters - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
3. Aloe fibre and yarn - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
4. Ammunition - Storing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
5. Arecanut - soaking of
6. Article made of flour - baking, preparing, keeping or storing for human consumption (for other than domestic use).
7. Asafetida - storing.
8. Asafetida - except for domestic purposes.
9. Ash- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
10. Ashes -except for domestic purposes.
11. Autocar or Autocycle servicing or repairing.
12. Bakelite goods - manufacturing or processing.
13. Bakelite goods - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
14. Bamboo - storing for sale, hire or manufacture.
15. Bamboos - except for domestic purposes.
16. Banking
17. Bidi leaves - storing or processing
18. Bidi leaves - except for domestic purposes.
19. Biddies (indigenous cigarettes) snuff, cigars or cigarettes manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process whatsoever.
20. Biscuit - baking, preparing, keeping or storing for human consumption (for other than domestic use).
21. Bitumen- manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
22. Blacksmith.
23. Blasting powder - storing.
24. Blasting powder - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
25. Blasting powder - except for domestic purposes.
26. Blood - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
27. Blood- except for domestic purposes.
28. Bone- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
29. Bones, bone meal or bone powder - except for domestic purposes. 30. Bone - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
31. Bread - baking, preparing, keeping or storing for human consumption (for other than domestic use).
32. Brick-manufacturing
33. Bricks or tiles by hand power - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

34. Bricks or tiles by Mechanical power- manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
35. Brushes - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
36. Camphor - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever or boiling.
37. Camphor- except for domestic purposes.
38. Candle - Packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
39. Candle - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
40. Carbide of calcium - storing.
41. Carbide of calcium - except for domestic purposes.
42. Cardboard- storing.
43. Cardboard - except for domestic purposes.
44. Carpet - manufacturing.
45. Cashewnut - storing, packing, preparing or manufacturing by any process whatsoever.
46. Catgut - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
47. Catgut - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
48. Celluloid goods - storing.
49. Celluloid or celluloid goods - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
50. Celluloid or celluloid goods - except for domestic purposes.
51. Cement - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
52. Cement concrete designs or models - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
53. Charcoal - dumping, shifting, selling or storing.
54. Charcoal - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
55. Charcoal - except for domestic purposes.
56. Chemicals - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
57. Chemicals preparation - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
58. Chemicals, liquid - except for domestic purposes.
59. Chemical, non-liquid- except for domestic purposes.
60. Chilli-grinding by machinery.
61. Chilli (Dried) - selling wholesale or storing for wholesale trade.
62. Chilli - except for domestic purposes.
63. Chillies or masala or corn or seeds. Grinding of by mechanical means. 64.
Chlorare mixture - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
65. Chlorate mixture - except for domestic purposes.
66. Cinder - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever or dumping or shifting.
67. Cinematograph films stripping in connection with any trade manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
68. Cinematograph film-shooting of, treating or processing.
69. Cinematograph films non-flammable or acetate or safety base -except for domestic purposes.
70. Cloth - dyeing, bleaching, mercerizing or storing.

71. Cloth is pressed bales or boras - except for domestic purposes.
72. Cloth or clothes of cotton, wool, silk, art silk etc. - except for domestic purposes.
73. Cloth yarn or leather in indigo or in other colours. Dyeing or printing. 74. Cloth or yarn, bleaching.
75. Coal - dumping, shifting, selling or storing.
76. Coal - except for domestic purposes.
77. Coconut fibre - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
78. Coconut fibre - except for domestic purposes.
79. Coconut husk- soaking of.
80. Coconut shells - storing.
81. Coir yarn - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
82. Coke - storing.
83. Coke - except for domestic purposes.
84. Combustible material-storing.
85. Combustible - baking, preparing, keeping or storing for human consumption (for other than domestic use).
86. Compound gas (oxygen, nitrogen, hydrogen, carbon dioxide, sulphur, chloride, acetylene) - storing.
87. Compound gas (oxygen, nitrogen, hydrogen, carbon dioxide, sulphur, chloride, acetylene) - except for domestic purposes.
88. Coppersmithy.
89. Copra - preparing or storing or selling wholesale.
90. Copra- except for domestic purposes.
91. Cosmetics or toilet goods - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
92. Cotton of all kinds, cottons seed - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
93. Cotton seeds - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
94. Cotton seed - except for domestic purposes.
95. Cotton including kahok, surgical cotton and silky cotton - except for domestic purposes.
96. Cotton refuse of waste or cotton yam refuse or waste - except for domestic purposes.
97. Cotton, cotton refuses, cotton waste, cotton yarn, silk, silk yarn inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
98. Cow-dungs cake - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
99. Dammar (Resin) - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
100. Detonators - storing.
101. Detonators - except for domestic purposes.
102. Drug - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
103. Drugs - details sale of.
104. Dry leaf- storing.
105. Dry leaves - except for domestic purposes.
106. Dye (Stuff) - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
107. Dynamite- storing.
108. Dynamite - manufacturing, p arching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
109. Dynamite - except for domestic purposes.

110. Eating house or catering establishment, Keeping of an.
111. Electroplating.
112. Explosive- Storing.
113. Explosive paint (nitro-cellulose, lacquer, enamel) - storing.
114. Explosive paint (nitro-cellulose, lacquer, enamel) - except for domestic purposes.
115. Fat - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
116. Fat - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
117. Fat - except for domestic purposes.
118. Felt- storing.
119. Felt- except for domestic purposes.
120. Fibre - selling or storing.
121. Fin - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
122. Fins - except for domestic purposes.
123. Firewood- selling or storing.
124. Firewood- except for domestic purposes.
125. Fireworks - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
126. Fireworks - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
127. Fireworks - except for domestic purposes.
128. Fish - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
129. Fish (dried) - except for domestic purposes.
130. Fish oil - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
131. Flax- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
132. Flax - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
133. Flax - except for domestic purposes.
134. Fleshing - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
135. Flour - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
136. Food- manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
137. Food-Retail sale of.
138. Fuel - using for any industrial purpose.
139. Fulminate - except for domestic purposes.
140. Fulminate of mercury- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
141. Fulminate of mercury - except for domestic purposes.
142. Fulminate of silver- except for domestic purposes.
143. Furniture - making or storing for sale.
144. Gas - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
145. Gas - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
146. Gelatine-storing.
147. Gelatine - except for domestic purposes.
148. Gelignite -except for domestic purposes.
149. Ghee - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
150. Ghee - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

151. Glass or glass articles - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
152. Glass levelling.
153. Glass cutting.
154. Glass polishing.
155. Gold-refining.
156. Goldsmithy.
157. Grain - selling wholesale or storing for wholesale trade.
158. Grain-Parching.
159. Gram - husking by machinery.
160. Grass - storing.
161. Grass - except for domestic purposes.
162. Groundnut - selling wholesale or storing for wholesale trade.
163. Groundnut seeds, tamarind or any other seeds, parching.
164. Gun-cotton - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
165. Gun - cotton - except for domestic purposes.
166. Gunny bag - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
167. Gunny bag - except for domestic purposes.
168. Gunpowder - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
169. Gunpowder - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
170. Gunpowder - except for domestic purposes.
171. Hail - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
172. Hak - except for domestic purposes.
173. Hair dressing saloon or a barber's shop. Keeping of.
174. Hay - selling or storing.
175. Hay or fodder- except for domestic purposes.
176. Hemp - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
177. Hemp - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
178. Hemp - except for domestic purposes.
179. Hessain cloth - storing,
180. Hessain cloth (Gunny bag cloth) - except for domestic purposes.
181. Hides - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
182. Hides (dried) - except for domestic purposes.
183. Hides (raw) -except for domestic purposes.
184. Hides or skins, whether raw or dried. Tanning, pressing or packing. 185. Hoof- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
186. Hoofs - except for domestic purposes.
187. Horn- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
188. Horns - except for domestic purposes.
189. Ice – manufacturing.
190. Ice (including dry ice) - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
191. Incense – storing.
192. Incense of esas - except for domestic purposes.
193. Ink for printing, printing, stamping etc. - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

194. Insecticide or disinfectants - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by, any process, whatsoever.

195. Jaggery - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

196. Jute - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

197. Jute - except for domestic purposes.

198. Khaki-preparing.

199. Khokas, boxes, barreis, furniture or any other article of wood - except for domestic purposes.

200. Keeping of horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the product thereof.

201. Lac - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

202. Lacquer- except for domestic purposes.

203. Laundry shop. Keeping.

204. Lead-melting.

205. Leather - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

206. Leather cloth or rexina cloth or waterproof cloth- manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

207. Leather goods, manufacturing of by mechanical means.

208. Leather- except for domestic purposes.

209. Lime - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

210. Lime - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

211. Lime shell -storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

212. Linseed oil - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

213. Litho press. Keeping a-

214. Lodging house. Keeping of a-

215. Machinery - using for any industrial purpose.

216. Manure - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

217. Marble cutting, grinding, dressing or polishing.

218. Match - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

219. Matches for lighting (including Bengal matches) - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

220. Matches for lighting (including Bengal matches) - except for domestic purposes.

221. Matirf-clifs and nillfiws - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

222. Meat- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

223. Metal (ferrous or non-ferrous or antimony by excluding precious metal) cutting or treating metal by hammering, drilling, pressing, filling, polishing, heating or by any other process whatever or assembling part of metal.

224. Metal (including precious metals) - beating, breaking, hammering and casting.

225. Methylated spirit or denatured spirit - storing.

226. Methylated spirit, denatured spirit or French polish- except for domestic purposes.

227. Nitro - cellulose - except for domestic purposes.

228. Nitro - compound - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
229. Nitro- compound- except for domestic purposes.
230. Nitro - glycerine -except for domestic purposes.
231. Nitro - mixture - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
232. Nitro - mixture - except for domestic purposes.
233. Offal- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
234. Offal-manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
235. Offal - except for domestic purposes.
236. Oil - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
237. Oil other than petroleum (either by mechanical power or by hand power or ghani driven by bullock or any other animal) - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
238. Oil other than petroleum - except for domestic purposes.
239. Oil - cloth - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
240. Oilseeds - storing.
241. Oilseeds including almonds bur excluding cotton seeds - except for domestic purposes.
242. Old paper or waste paper including old newspaper, periodicals, magazines etc. except for domestic purposes.
243. Packing stuff (paper cutting, husic, saw dust etc,) - except for domestic purposes.
244. Paddy - boiling or husking by machinery.
245. Paint - manufacturing or storing.
246. Paints - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
247. Paints - except for domestic purposes.
248. Paper-packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
249. Paper other than old in pressed bales or loose or in reams - except for domestic purposes.
250. Paper or cardboard- manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
251. Petroleum product - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
252. Petroleum product other than dangerous petroleum as defined in the Petroleum Act, 1934 - except for domestic purposes.
253. Pharmaceutical or medical products - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
254. Photography - studio.
255. Phosphorous - storing.
256. Phosphorous - except for domestic purposes.
257. Pickers from hides - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
258. Pitch- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
259. Pitch-manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
260. Plastic or plastic goods - manufacturing or storing.
261. Plastic goods - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
262. Plastic or plastic goods - except for domestic purposes.

263. Plywood- storing.
264. Plywood- except for domestic purposes.
265. Polythene - manufacturing or storing.
266. Pottery - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
267. Pottery by hand power - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
268. Pottery by mechanical or any power other than hand power manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
269. Precious metals, Refining of or recovering them from embroideries.
270. Printing press. Keeping a –
271. Radio - manufacturing, assembling, servicing and repairing.
272. Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
273. Rags including small piece or cuttings of cloth, Hessian cloths, gunny bag, cloth silk, art silk or woollen cloth -except for domestic purposes.
274. Resin (including rosin) - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
275. Rosin or dram mar attar otherwise known as Ral - except for domestic purposes.
276. Rubber or rubber goods - manufacturing, parching, packing, pressing, cleaning, cleansing, b oiling, melting, grinding or preparing by any process, whatsoever.
277. Rug- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
278. Safety fuses, fog signals, cartridge etc. except for domestic purposes. 279. Sago - manufacturing or distilling.
280. Salpetre - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
281. Salpetre - except for domestic purposes.
282. Sandalwood - except for domestic purposes.
283. Sanitary ware of china - ware - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
284. Shellac - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
285. Silk - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
286. Silk waste or silk yarn waste, art silk waste or art silk yarn waste – except for domestic purposes.
287. Silversmithy.
288. Sisal fibre - storing.
289. Sisal fibre - except for domestic purposes.
290. Skin- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
291. Skin (raw or dried) - except for domestic purposes.
292. Soap - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
293. Soap - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
294. Spinning or weaving cotton, silk, art silk or jute or wool with the aid of power.
295. Spirit - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
296. Stone grinding, cutting, dressing or polishing.
297. Straw - selling or storing.
298. Straw - except for domestic purposes.

299. Sugar - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

300. Sugar - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

301. Sugar candy - packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

302. Sulphur - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

303. Sulphur- except for domestic purposes.

304. Serkin - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

305. Sweetmeat - baking, preparing, keeping or storing for human consumption (for other than domestic use).

306. Sweetmeat and confectionery goods - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

307. Sweetmeat shop except in premises already licensed as an eating house, keeping.

308. Tallow - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

309. Tallow - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

310. Tallow - except for domestic purposes.

311. Tar - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

312. Tar - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

313. Tar - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

314. Tarpaulin- storing.

315. Tarpaulin- except for domestic purposes.

316. Thatching material - selling or storing.

317. Thinner- storing.

318. Thinner- except for domestic purposes.

319. Tiles - manufacturing.

320. Timber - selling or storing.

321. Timber- except for domestic purposes.

322. Timber or wood sawing or cuffing by mechanical or electric power. 323. Tinsmithy.

324. Tobacco (including snuff, cigar, cigarette and Bidi) - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

325. Turpine - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

326. Turpine - except for domestic purposes.

327. Varnish - manufacturing or storing.

328. Varnish - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

329. Varnish- except for domestic purposes.

330. Washerman's trade.

331. Welding of metal by electric, gas or any process whatsoever.

332. Wooden furniture, boxes, barrel, kokas or other articles of wood or of plywood or of sandalwood manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

333. Wool - storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

334. Wool (raw) - except for domestic purposes.

335. Yarn- dyeing or bleaching.

336. Yarn other than waste yarn - except for domestic purposes.

337. Manufacturing article from which offensive or unwholesome smell, fume, dust or noise arises.

……..