Punjab Municipal Corporation Act, 1976

Punjab Act 42 of 1976

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The Punjab Municipal Corporation Act, 1976

Punjab Act 42 of 1976

The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 21st December, 1976 and, was published for gen-eral information in Punjab Government Gazette Extraordinary Legislative Supplement Part I dated 1st January, 1977.

An Act to provide for the establishment of Municipal Corporation for certain Cities in the State of Punjab.

Be it enacted by the Legislature of the State of Punjab in the Twenty-seventh Year of the Republic of India as follows:-

Legislative History

1.	Amended by Punjab Act 12 of 1979.
2.	Amended by Punjab Act 23 of 1986.
3.	Amended by Punjab Act 5 of 1994.
4.	Amended by Punjab Act 12 of 1994.
5.	Amended by Punjab Act 7 of 1995.
6.	Amended by Punjab Act 8 of 1996.
7.	Amended by Punjab Act 2 of 2002.
8.	Amended by Punjab Act 25 of 2006.

CHAPTER 1

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Pun-jab Municipal Corporation Act, 1976.

(2) It extends to the whole of the State of Punjab excluding the Cantonment areas therein.

(3) It shall come in force at once.

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

(1) "Appointed day" with reference to a City means the day on which notification is published under sub-section (1) or sub-section (2) of section 3, as the case may be;

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and in-cludes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(3) "building" means a shop, house, out-house, stable, latrine, urinal, shed, hut,

wall or any other structure, whether of masonry, bricks, wood, mud, metal or other material and includes a well but does not include any portable shelter;

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or in any other elective office;

[(6) "City" shall mean a larger urban area and shall include any other areas de-clared to be a City under this Act before the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994.]1

(7) "Commissioner" means the Commissioner of the Corporation;

(8) "corrupt practice" means any of the practices specified in section 25 ;

(9) "dangerous disease" means -

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification in the Official Gazette, declare to be dangerous disease for the purposes of this Act;

(10) "Director" means the Director of Local Government, Punjab;

(10a) "District Planning Committee" means a Committee constituted under Article 243 ZD of the Constitution of India.2

(11) "District Judge" means the District Judge having jurisdiction in the City;

(12) "Divisional Commissioner" means the Commissioner of the Division in which the City is situated and includes any other officer in the super time scale of the Indian Administrative Service appointed by the Government to perform all or any of the functions of the Divisional Commissioner un-der this Act;

(13) "drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

[(14)] "election" means and includes the entire election process commencing on and from the date of notification calling for election of Councillors and ending with the date of declaration and notification of results thereof]- 3

(15) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(16) "factory" means a factory as defined in the Factories Act, 1948;

(17) "filth" includes offensive matter and sewage;

(18) "goods" includes animals;

1.Substituted by Act 12 of 1994.

2.Added by Act of 1994.

3.Added by Act 12 of 1994.

(19) "Government" means the Government of the State of Punjab;

(20) "house-gully" or "service passage" means a passage or strip of land con-structed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by Corporation employees or other per-sons employed in the cleaning thereof or in the removal of such matter therefrom;

(21) "hut" means any building which is constructed principally of wood, bam-boo, mud, leaves, grass, cloth or thatch and includes any structure of what-ever material made which the Corporation may declare to be a hut for the purposes of this Act;

(22) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

[(22-a) "larger urban area" means such area as the Government may, having re-gard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other fac-tors as he may deem fit, specify by a notification in the Official Gazette.]1

(23) "licensed architect", "licensed draftsman", "licensed engineer", "licensed plumber", licensed surveyor" and "licensed town planner" means respec-tively a person licensed under the provisions of this Act as an architect, draftsman, engineer, plumber, surveyor and town planner;

(24) "market" includes any place where persons assemble for the sale of or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals in-tended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other person;

(25) "member" in relation to the Corporation means a councillor thereof;

[(25-a) "Municipality" means an institution of self government constituted un- der Article 2430 of the Constitution of India;

(25-b) "Municipal area" means the territorial area of a Municipality as may be notified by the Government;

(25-c) "Metropolitan area" means an area having a population of ten lakh or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas specified by the Government by a notification, to be a Metropolitan Area for the purposes of this Act;

1.Added by Act 12 of 1994.

(25-d) "Metropolitan Planning Committee" means a Committee constituted under Article 243 ZE of the Constitution of India.]1

(26) "municipal drain" means a drain vested in the Corporation;

(27) "municipal market" means a market vested in or managed by the Corporation;

(28) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(29) "municipal water works" means water works vested in the Corporation;

(30) "Nationalised Bank" means a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Under-takings) Act, 1970;

(31) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(32) "occupier" includes -

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(33) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances, other than sewage;

(35) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or re-ceiver for any other person who should so receive the rent or been titled to receive it if the land or building or part thereof were let to a tenant;

(35-a) "population" means the population as ascertained at the last preceding Census, of which the relevant figures have been published;2

(36) "premises" means any land or building or part of a building and includes-

(a) the garden, ground and out-houses, if any, appurtaining to a building or part of a building; and

(b) any fitting affixed to a building or part of a building for the more bene-ficial enjoyment thereof;

(37) "prescribed" means prescribed by rules made under this Act;

1.Added by Act 12 of 1994.

2.Added by Act 12 of 1994.

(38) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(39) "private market" means a market which is not a municipal market;

(40) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(41) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(42) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act;

(43) "public street" means any street which vests in the Corporation as a public street or the soil below the surface of which vests in the Corporation or which under the provisions of this Act becomes or is declared to be, a pub-lic street;

(44) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890;

(45) "rate payer" means a person liable to pay any rate, tax, cess or licence fee under this Act;

(46) "rateable value" means the value of any land or building fixed in accord-ance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment of property taxes;

(48) "reside"-

(a) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(49) "rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth;

(51) "rural areas" means the area of the City which immediately before their in-clusion within the limits of the City are situated within the local limits of a Gram Panchayat established under the Punjab Gram Panchayats Act, 1952, but shall not include such portion thereof as may, by virtue of a no-tification under section 421, cease to be included in the rural areas as herein defined;

(52) "Scheduled Caste" means any of the Scheduled Castes specified in Part X of the Schedule to the Constitution (Scheduled Castes) Order, 1950;

(53) "sewage" means night-soil and other contents of latrines, urinals, cess-

pools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(54) "shed" means a slight or temporary structure for shade or shelter;

(55) "slaughter house" means any place ordinarily used for the slaughter of ani-mals for the purpose of selling the flesh thereof for human consumption;

[(55-a) "State Election Commission" means an Election Commission constituted by the Government of Punjab under Article 243 K and 243 ZA of the Constitution of India;]1

(56) "street" shall mean any road, footway, square, court, alley, gully or passage, accessible, whether permanently or temporarily to the public and whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as means of access to or from any public place or thoroughfare, whether such persons be oc-cupier of such buildings or not, but shall include any part of such space which the occupier of any such building has right at all hours to prevent all other persons from using as aforesaid and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any pavement, verandah or other erection, upto the boundary of any abut-ting property not accessible to the public;

(57) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewerage;

(58) "trade premises" means any premises used or intended to be used for car-rying on any trade or industry;

(59) "trade refuse" means the refuse of any trade or industry;

(60) "urban areas" means the areas of the City which are not rural areas;

(61) "vehicle" includes a carriage, cart, van, dray, truck, hand- cart, bicycle, tri-cycle, cycle-rickshaw, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(62) "ward" means a municipal ward provided by order made under section 5 of the purpose of election of Councillors;

[(62-a) "Wards Committee" means a Committee constituted by the Government;]2

(63) "water course" includes any river, stream or channel whether natural or ar- tificial;

(64) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps,

1.Added by Act 12 of 1994.

2.Added by Act 12 of 1994.

wells, reservoirs, aqueducts, water trucks, sluices, main pipes, culverts, hydrants, stand-pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of, supplying water;

(65) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried and;

(66) "year" means a year commencing on the 1st day of April.

[3.(1) Specification of an area to be a Larger Urban Area and constitution of Corporation therefor. -The Government may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors, as it may deem fit, specify, by noti-fication, in the Official Gazette, any area to be a larger urban area for the purposes of this Act:

Provided that no military cantonment or any part thereof shall be included in such larger urban area:

Provided further that a Corporation may not be constituted for such a larger ur-ban area or part thereof as the Government may, having regard to the size of the area and Municipal Services being provided or proposed to be pro-vided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township.

(2) Where an area is specified as a larger urban area under sub-section (1), the Government shall, by a notification in the Official Gazette, constitute a Corpora-tion for such area.

(3) Where any area, which is within the jurisdiction of any other local authority is specified as a larger urban area or is included in any other larger urban area, the Government may pass such orders as it may deem fit, as to the transfer to the Cor-poration for such larger urban area, or dispose otherwise of, the assets and institutions of any such local authority in that area and as to discharge of the li-abilities, if any, of such local authority relating to such assets or institutions.

(4) Where any area is excluded from a larger urban area and included in any other local authority, the Government may pass such orders as it may deem fit, as to the transfer of such local authority or disposal otherwise, of the assets or insti-tutions of such Corporation in that area and as to the discharge of the liabilities, if any, of such Corporation relating to such assets and institutions.

(5) The local areas which has been constituted as a City immediately before the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994, shall be deemed to have been specified as larger urban area under sub-section (1) and Corporation constituted for those areas shall be deemed to have been duly constituted under sub-section (2).

(6) The Government may, from time to time, after consultation with the Corpo-ration, by previous publication of a notification in the Official Gazette, alter the limits of any larger urban area.

(7) When the limits of any larger urban area are altered so as to include therein any area, the provisions of this Act and, except as the Government may otherwise

by notification direct, all rules, bye-laws, notifications, orders, directions, powers, made, issued or conferred and all taxes and fees imposed under this Act and in force throughout the larger urban area shall apply to such area.]1

CHAPTER II

Constitution of Corporation

4. Constitution of Corporation and interim arrangement for carrying on its functions till its constitution. - (1) For the purposes of carrying out of the pro-visions of this Act there shall be a Corporation charged with the municipal Government of a City. The Corporation for each of the Cities of Amritsar and Ludhiana shall be known as the Municipal Corporation of Amritsar, and the Mu-nicipal Corporation of Ludhiana, respectively and the Corporation for every other City constituted under sub-section (2) of section 3 shall be known by the name of "the Municipal Corporation.....(name of the City)".

(2) Every Corporation shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(3) As soon as may be after the appointed day a Corporation which shall be com-posed of [elected councillors and *ex officio* councillors,]2 if any, shall be constituted from such date as may be specified in this behalf by notification by the Government.

(4) Notwithstanding anything contained in sub-section (3), on and with effect from the appointed day all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and per-formed by the Commissioner till a Corporation is constituted under the aforesaid sub-section.

[5. Composition of Corporation-(1) Every Corporation constituted under sec-tion 3 shall consist of,-

(i) elected Councillors chosen by direct election; and

(ii) *ex officio* members comprising the members of the Punjab Legislative As-sembly representing the constituencies in which the City or any part thereof falls.

(2) A person who is elected as a Councillor of a Corporation shall not be con-sidered to be an *ex officio* member, if he is a member of the Punjab Legislative Assembly at the time of his election or becomes such member at any time there-after and such person shall have all the rights and be subject to all the liabilities of an elected Councillor.

1.Substituted by Act 12 of 1994.

2.Substituted for the words ‘‘elected councillors, associate councillors and co-opted councillors’’ by Act 12 of 1994.

(3) The Government shall, from time to time, by notification in the Official Ga-zette, determine the number of elected Councillors for a Corporation:

Provided that the total number of elected Councillors for a Corporation shall in no case be less than 1[fifty] and more than 2[hundred]:

3[-]

Explanation.-(1) If the constituency of a member of the Punjab Legislative As-sembly comprises more than one City, he shall be an *ex officio* member of the Corporation of such City.

Explanation.-(2) If any City falls in more than one constituency the members of the Punjab Legislative Assembly representing each such constituency shall be *ex officio* members of the Corporation of such City.]4

[6. Reservation of Seats - In every Corporation, out of the total number of elected Councillors determined under sub-section (3) of s. 5, the Government shall reserve,-

(a) Such number of seats for the Scheduled Castes as may be determined by it subject to the condition that the number of seats so reserved shall bear, as nearly as may be the same proportion to the total number of seats to be filled by direct election to the Corporation as the population of Scheduled Castes in that City bears to the total population of that City and such seats may be allotted by rotation to different wards in the City; and

(b) two seats in each Corporation for the members of the Backward Classes, and such seats may be allotted by rotation to different wards in that Cor-poration;

(2) Not less than one-third of the total number of seats reserved under clause (a), shall be reserved for women belonging to the Scheduled Castes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes), of the total number of seats to be filled by di-rect election, shall be reserved for women and such seats may be allotted by rotation to different wards in the City.

Explanation.-In this section the expression,-

(a) "Scheduled Castes" shall have the same meaning as assigned to them in clause (24) of Article 366 of the Constitution of India; and

(b) "Backward Classes" means the Backward Classes as the Government may, from time to time declare by issuing a notification in the Official Gazette.

6-A. Reservation for the Offices of Chairperson - Offices of Mayors of Cor-porations shall be reserved by rotation in the prescribed manner for the members of the Scheduled Castes, Backward Classes and women in the following ratio, namely :-

1.The word forty substituted vide Punjab Act No. 8 of 1996.

2.The word fifty substituted vide Punjab Act No. 8 of 1996.

3.The second and the third proviso shall be omitted vide Punjab Act No. 8 of 1996.

4.Substituted by Act 12 of 1994.

(a) five per cent for Scheduled Castes;

(b) two per cent for Backward Classes; and

(c) five per cent for women including women belonging to the Scheduled Castes.]1

2**[7. Duration of Municipal Corporation.**- (1) Every Municipal Corporation, save as otherwise provided in this Act, shall continue for five years from the date appointed for its first meeting and no longer.

Explanation. - In this section "first meeting" shall mean the meeting of the newly constituted Corporation held for the election of its Mayor and Deputy Mayor un-der section 38 of this Act.

(2) All Corporations existing immediately before the commencement of the Constitution (Seventy-Fourth) Amendment Act, 1992, shall continue till the ex-piration of their duration unless sooner dissolved by a resolution pased to that effect by the State Legislative.

(3) An election to constitute a Corporation shall be completed-

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its disso-lution;

Provided that when the remainder of the period for which the dissolved Cor-poration would have continued is less than six months, it shall not be nec-essary to hold any election under clause (b) for constituting the Corporation for such period.

(4) The first election to a Corporation constituted after the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994 shall be held within a pe-riod of six months of its being notified as a Corporation.

(5) A Corporation constituted upon the dissolution of a Corporation before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub- section (1) had it not been so dissolved.

7-A. Power of Government to direct holding of general elections - (1) Sub-ject to the provisions of this Act and the rules made thereunder, the Government may, by notification, in the Official Gazette, direct that a general election or an election to fill a casual vacancy of the Councillors of the Corporation, shall be held by such date as may be specified in the notification and different dates may be specified for elections for different Corporations or group or groups of Corpora-tions.

(2) As soon as a notification is issued under sub-section (1), the State Election Commission shall take necessary steps for holding such general election.

1.Substituted by Act 12 of 1994.

2.Substituted by Act 12 of 1994.

7-B. Filling of Casual Vacancies of elected councillors. - (1) Whenever a va-cancy occurs by death, resignation, removal or otherwise of an elected councillor, the same shall be filled up by way of election;

Provided that if the vacancy so occurred relates to the Scheduled Castes, Back-ward Classes or to women, it shall be filled up out of the persons belonging to the category to which the vacancy relates.

(2) A person elected to fill up a casual vacancy shall be elected for the remainder of his successor’s term of office:

Provided that where the remainder of the period, for which a councillor is to be elected, is less than six months, it shall not be necessary to hold any election under this section to fill up such a vacancy."

8. Delimitation of wards.-(1) For the purposes of election of councillors, the City shall be divided into single-member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout the City.

(2) The Government shall, by order in the Official Gazette, determine the extent of each ward and the wards in which seats shall be reserved for Scheduled Castes.

9. Powers to alter or amend delimitation orders. - The Corporation, which the previous approval of the Government, may from time to time by order in the Of-ficial Gazette, alter or amend any order made under section 8.

[10. Power to conduct elections.-The superintendence, direction and control of the preparation of electoral rolls, for, and the conduct of all elections to the Cor-porations shall vest in the State Election Commission.]1

11. [Ommitted by Act 12 of 1994].

12. [Ommitted by Act 12 of 1994].

13. Disqualifications for councillorship. - (1) A person shall be disqualified for being chosen as, and for being, a councillor,-

(a) if he is of unsound mind and stands so declared by a competent court;

(b) if he is an undischarged insolvent;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adher-ence to a foreign State;

(d) if he has, in proceedings for questioning the validity or regularity of an elec- tion, been found to have been guilty of-

(i) any corrupt practice, or

(ii) any offence punishable under section 171-E or section 171-F of the In-

1.Substituted by Act 12 of 1994.

dian Penal Code or any offence punishable under section 32 or clause (a) of sub-section (2) of section 33 of this Act.,

unless a period of five years has elapsed since the date of the finding;

(e) if he has been sentenced on conviction by a criminal court to imprisonment for an offence involving moral turpitude, unless a period of five years has elapsed since the date of the conviction;

(f) if he holds any office of profit under the Corporation;

(g) if he holds any office of profit under the Government;

(h) if he is a licensed architect, draftsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

(i)if he is interested in any subsisting contract made with, or any work being done for the Corporation except as a share-holder (other than a director) in an incorporated company or as a member of a co-operative society;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of municipal authorities is interested or con-cerned;

(k) if he, having held any office under the Government, the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government has been dismissed from service, unless a period of four years has elapsed since his dismissal;

(l) if he fails to pay any arrears of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him.

(2) Notwithstanding anything contained in sub-section (1)-

(a) a disqualification under clause (c) of that sub-section shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is dis-posed of;

(b) a person shall not be deemed to have incurred any disqualification under clause (f), or clause (g) or that sub-section by reason only of his receiving-

(i) any pension; or

(ii) any allowance or facility for serving as the Mayor or Deputy Mayor or as a councillor; or

(iii) any fee for attendance at a meeting of any committee of the Corporation;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of that sub-section by reason only of his having a share or interest in-

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of Corporation, of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on be-half of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

(v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; (vi) any agreement or contract with the Corporation or any other munici-pal authority for taking water or any other thing which the Corporation may generally supply.

(3) If a person sits or votes as a member of the Corporation when he knows that he is not qualfied or that he is disqualified for such membership, he shall be liable in respect of each day on which he so sits or votes to penalty of three hundred ru-pees to be recovered as an arrear of tax under this Act.

14. [Omitted by Act 12 of 1994].

15. [Omitted by Act 12 of 1994].

16. [Omitted by Act 12 of 1994].

17. [Omitted by Act 12 of 1994].

18. [Omitted by Act 12 of 1994].

19. [Omitted by Act 12 of 1994].

20. [Omitted by Act 12 of 1994].

21. [Omitted by Act 12 of 1994].

22. [Omitted by Act 12 of 1994].

23. [Omitted by Act 12 of 1994].

24. [Omitted by Act 12 of 1994].

25. [Omitted by Act 12 of 1994].

26. [Omitted by Act 12 of 1994].

27. [Omitted by Act 12 of 1994].

28. [Omitted by Act 12 of 1994].

29. [Omitted by Act 12 of 1994].

30. [Omitted by Act 12 of 1994].

31. [Omitted by Act 12 of 1994].

32. [Omitted by Act 12 of 1994].

33. [Omitted by Act 12 of 1994].

34. [Omitted by Act 12 of 1994].

35. Oath or affirmation by councillors.-(1) Every councillor other than an as-sociate councillor, shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form namely:-

"I, A, B., having been elected [-]1 as councillor of the Municipal Corporation 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 duty upon which I am about to enter."

(2) If a person sits or votes as a councillor before he has complied with the re-quirements of sub-section (1), he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

36. Removal of and resignation by councillor.-(1) The Government may by notification remove any councillor, other than an associate councillor, if in its opinion,-

(a) he becomes subject to any of the disqualifications mentioned in section 13; or

(b) he has flagrantly abused his position as a councillor or has through negligence or misconduct been responsible for the loss or misapplication of any money or property of the Corporation; or

(c) he has become physically or mentally incapacitated for performing his du- ties as a member; or

(d) he absents himself during three successive months from the meetings of the Corporation without permission of the Corporation; or

(e) he absents himself from or is unable to attend the meetings of the Corporation during twelve successive months for any cause whatsoever whether approved by the Corporation or not; or

(f) he acts in contravention of the provisions of section 63:

Provided that before the Government notifies the removal of a councillor, the reasons for his proposed removal shall be communicated to him and he shall be given opportunity of tendering an explanation in writing:

Provided further that it shall not be necessary to give such opportunity where the Government is satisfied that it is not reasonably practicable to do so.

(2) If a councillor resigns his seat by writing under his hand addressed to the Mayor and delivered to the Commissioner, he shall cease to be a councillor and his office shall thereupon fall vacant.

37. Payment of allowances to councillors.-The councillors shall be entitled to

1.Words ‘‘Co-opted’’ omitted by Act 12 of 1994.

receive allowances for attendance at meetings of the Corporation and of its com-mittees at such rate as may be determined by rules made in this behalf.

38. Election of Mayor, Senior Deputy Mayor, Deputy Mayor and their term of office. - (1) The Corporation shall, in the prescribed manner, elect one of its members to be the Mayor and other two members to be the Senior Deputy Mayor and the Deputy Mayor of the Corporation.

1[(2) The election under sub-section (1) shall be conducted at a meeting of the Corporation to be convened immediately after the meeting held for making and subscribing oath or affirmation by the councillors under section 35 but not later than one month from the date on which election of the councillors is notified under section 17.]

(2-A) The term of office of a Mayor, Senior Deputy Mayor and Deputy Mayor shall be co-terminus with their term as councillors.]

(3) On the occurrence of any casual vacancy in the office of the Mayor, Senior, Deputy Mayor or Deputy Mayor, the Corporation shall within one month of the occurrence of such vacancy elect one of its members as Mayor or Senior Deputy Mayor or Deputy Mayor, as the case may be, and every person so elected shall hold office for the remainder of his predecessor’s term of office.

(4) The Mayor or the Senior Deputy Mayor or the Deputy Mayor shall hold of-fice from the time of his election until the election of his successor in office, unless in the meantime he resigns his office as Mayor or Senior Deputy Mayor

or Deputy Mayor or his term of office as a member of the Corporation terminates in any man-ner or unless in the case of any of the Deputy Mayors he is elected as Mayor. They shall be eligible for re-election.

(5) The Mayor shall be entitled to the payment of such honorarium and may be given such facilities in respect of residential accommodation, telephone, convey-ance and the like as may be prescribed.

(6) The Mayor shall have access to the record of the Corporation and may issue directions to the Commissioner or call for reports from him with a view to ensur-ing proper implementation of the decision of the Corporation.

39. Removal of Mayor, Senior Deputy Mayor and Deputy Mayor.-A coun-cillor holding office as Mayor or Senior Deputy Mayor or Deputy Mayor may be removed from his office by a resolution of the Corporation passed by a majority of the total membership of the Corporation and by majority of not less than two-thirds of the members of the Corporation present and voting in a meeting of the Corporation in the prescribed manner.

40. Discharge of functions of the Mayor by the Deputy Mayors.-(1) When the office of the Mayor is vacant, the Senior Deputy Mayor and in his absence, the Deputy Mayor shall act as Mayor until a new Mayor is elected.

1.Substituted by Act 5 of 1994.

(2) When the Mayor is absent from duty on account of illness or any other cause, the Senior Deputy Mayor, and in his absence the Deputy Mayor, shall act as Mayor during his absence.

41. Resignation of Mayor and Deputy Mayors.-(1) The Mayor may, by writ-ing under his hand addressed to the Corporation and delivered to the Commissioner, resigns his office.

(2) The Senior Deputy Mayor or the Deputy Mayor may, by writing under his hand addressed to the Mayor and delivered to the Commissioner resign his of-fice.

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is delivered.

42. Committees.-(1) The Corporation may constitute as many ad hoc commit-tees consisting of such number of councillors and for such terms as it thinks fit for the exercise of any power or discharge of any function which the Corporation may by resolution delegate to them or for inquiring into, reporting or advising upon any manner which the Corporation may refer to them.

(2) An ad hoc committee may with the sanction of the Corporation co-opt not more than three persons who are not members of the Corporation but who in the opinion of the Corporation possess special qualifications for serving on such com-mittee.

(3) The Corporation shall constitute a Water Supply and Sewerage Disposal Committee, a Buildings and Roads Committee, a House Tax Assessment Com-mittee and such other committees as may be prescribed consisting of such number of councillors and for the exercise of such powers or discharge of such functions as may be prescribed.

(4) There shall also be a Finance and Contracts Committee of the Corporation comprising the Mayor, the two Deputy Mayors, two councillors elected by the councillors from amongst themselves and the Commissioners, and the aforesaid Committee shall exercise all the powers of the Corporation in relation to contracts to be entered into for and on its behalf and the purchases so be made by it.

(5) Each committee shall elect one of its members as the Chairman and another member as the Vice-Chairman:

Provided that the Mayor shall be the *ex-officio* Chairman of the Finance and Cotracts Committee.

(6) Any matter relating to committees not expressly provided in this Act may be provided by regulations made in this behalf.

1**[42-A. Constitution, Power and Functions of the Wards, Committees and other Committees.**-(1) In respect of a Corporation having population of three lakhs or more, there shall be constituted by the Commissioner by order in writing such number of wards committees as may be determined by him:

1.Substituted 42-A, 42-B and 42-C, added by Act 12 of 1994.

Provided that a Wards Committee shall consist of not less than five wards.

(2) In constituting Wards Committees, the Commissioner shall maintain geo-graphical contiguity as far as possible.

(3) Each Wards Committee shall consist of,-

(i) the Councillors elected from the Wards for which the Wards Committee is constituted;

(ii) the Commissioner of the Corporation who shall be the ex officio member; and

(iii) any other officers of the Corporation as the Commissioner may nominate to be ex officio members and one of the officers so nominated shall be the Secretary of the Wards Committee:

Provided that the number of ex officio members, appointed to a Wards Com-mittee shall not be more than half the strength of the elected members of the Wards Committee:

Provided further that the *ex officio* members shall have the right to participate in the meetings of the Wards Committee but shall not have the right to vote.

(4) The Chairperson of the Wards Committee shall be elected by the elected Councillors from amongst themselves.

42-B. Constitution of District Planning Committees.-(1) There shall be con-stituted in every district, a District Planning Committee to consolidate the plans prepared by the Corporation in the District and to prepare a Draft Development Plan for the district as a whole.

(2) The manner in which the seats in the District Planning Committee consti-tuted under sub-section (1) shall be filled, the functions which may be assigned to such Committee and the manner in which the Chairperson of such Committee shall be chosen, shall be as prescribed by the Government, subject, however, to the provisions of Article 243-ZD of the Constitution of India.

(3) In preparing the draft development plan of the district, the District Planning Committee shall have regard to,-

(i) the matters of common interest between the Panchayats and Municipalities in the district including spatial planning, sharing of water and other physi-cal and natural resources, the integrated development of infrastructure and environment conservation; and

(ii) the extent and type of available resources whether financial or otherwise.

(4) While preparing the draft development plan of the district, the District Plan-ning Committee shall consult such institutions and organisations as the Government may, by order, specify.

(5) The Chairperson of every District Planning Committee shall forward the draft development plan as recommended by such Committee to the Government.

42-C. Constitution of a Metropolitan Planning Committees.-(1) There shall be constituted in every Metropolitan Area, a Metropolitan Planning Committee to prepare a draft development plan of the Metropolitan Area as a whole.

(2) The manner in which the seats in such Committee are to be filled, the func-

tions which may be assigned to such Committee and the manner in which the Chairperson of such Committee is to be chosen, shall be as the Government may prescribe, subject, however, to the provisions of Article 243 ZE of the Constitu-tion of India.

(3) In preparing the draft development plan of a Metropolitan Area, the Metro-politan Planning Committee shall have regard to,-

(i) the plans prepared by the Municipalities, Panchayats and Corporations, as the case may be, falling within the jurisdiction of the Metropolitan Area;

(ii) the matters of common interest between the Corporations, Municipalities, Panchayats including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructural and environmental conservation;

(iii) the overall objectives and priorities set forth by the Government of India and the State Government; and

(iv) the extent and nature of investments likely to be made in the Metropolitan Area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise.

(4) While preparing the draft development plan of the Metropolitan area, the Metropolitan Planning Commitee shall consult such institutions and organisa-tions as the Government may, by order, specify.

(5) The Chairperson of every Metropolitan Planning Committee shall forward the draft development plan, as recommended by the Commitee to the Govern-ment."

CHAPTER III

Functions of the Corporation

43. General powers of Corporation. - (1) Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal Govern-ment of the City shall vest in the Corporation.

(2) Without prejudice to the generality of the provisions of sub-section (1) it shall be the duty of the Corporation to consider all periodical statements of the re-ceipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

44. Obligatory functions of Corporation. - It shall be incumbent on the Corporation to make adequate provision by any means or measures which it may lawfully use or take for each of the following matters, namely :-

(a) the construction, maintenance and cleaning of drains and drainage works and of public latrines, urinals and similar conveniences;

(b) the construction and maintenance of works and means for providing supply of water for public and private purposes;

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;

(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(e) the regulation of places for the disposal of the dead and the provisions and maintenance of places for the said purpose;

(f) the registration of births and deaths;

(g) public vaccination and inoculation;

(h) measures for preventing and checking the spread of dangerous diseases;

(i) the construction and maintenance of municipal markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(j) the regulation and abatement of offensive or dangerous trades or practices;

(k) the securing or removal of dangerous buildings and places;

(l) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like;

(m) the lighting, watering and cleansing of public streets and other public places;

(n) the removal of obstructions and projections in or upon streets, bridges and other public places;

(o) the naming and numbering of streets and premises;

(p) the maintenance of municipal offices;

(q) the laying out or the maintenance of public parks, gardens or recreation grounds;

(r) the maintenance of a fire-brigade and the protection of life and property in the case of fire;

(s) the maintenance of monuments and memorials vested in a local authority in the City immediately before the commencement of this Act or which may be vested in the Corporation after such commencement;

(t) the maintenance and development of the value of all properties vested in or entrusted to the management of the Corporation; and

(u) the fulfilment of any other obligation imposed by or under this Act or any other law for the time being in force.

45. Discretionary functions of Corporation. - The Corporation may in its dis-cretion provide either wholly or in part for all or any of the following matters, namely:-

(a) the furtherance of education including cultural and physical education;

(b) the establishment and maintenance of, and aid to, libraries, museums, art galleries, botanical or zoological collections;

(c) the establishment and maintenance of, and aid to stadia, gymnasia, akharas and places for sports and games;

(d) the planting and care of trees on road sides and elsewhere;

(e) the surveys of buildings and lands;

(f) the registration of marriages;

(g) the taking of a census of population;

(h) the civic reception to persons of distinction;

(i) the providing of music or other entertainments in public places or places of public resort and the establishment of theatres and cinemas;

(j) the organisation and management of fairs and exhibitions;

(k) the acquisition of movable or immovable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;

(l) the construction and maintenance of -

(i) rest-houses,

(ii) poor-houses,

(iii) infirmaries,

(iv) children's homes,

(v) houses for the deaf and dumb and for disabled and handicapped chil-dren,

(vi) shelters for destitute and disabled persons,

(vii) asylums for persons of unsound mind;

(m) the construction and maintenance of cattle ponds;

(n) the building or purchase and maintenance of dwelling houses for Corpo-ration officers and other Corporation employees;

(o) any measures for the welfare of the Corporation officers and other Corpo-ration employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles;

(p) the organisation or management of chemical or bacteriological laborato-ries for the examination or analysis of water, food and drugs for the detec-tion of diseases or research connected with the public health or medical relief;

(q) the provision for relief to destitute and disabled persons;

(r) the establishment and maintenance of veterinary hospitals;

(s) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(t) the organisation and management of farms and dairies within or without the City for the supply, distribution and processing of milk and milk prod-ucts for the benefit of the residents of the City;

(u) the organisation and management of cottage industries, handicraft centres and sales emporia;

(v) the construction and maintenance of warehouses and godowns;

(w) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;

(x) the provision for unfiltered water supply;

(y) the improvement of the City in accordance with improvement schemes ap- proved by the Corporation;

(z) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants;

(za) the establishment and maintenance of hospitals, dispensaries and mater-nity and child welfare centres and the carrying out of other measures nec-essary for public medical relief;

(zb) supply and distribution of electricity to the public; and

(zc) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.

CHAPTER IV

Municipal authorities under the Corporation

46. Municipal authorities. - The municipal authorities charged with carrying out the provisions of this Act shall be -

(a) the Corporation ;

(b) the Finance and Contract Committee ; and

(c) the Commissioner.

47. Appointment of Commissioner. - (1) The Government shall, by notifica-tion in the Official Gazette, appoint a Class I officer, of the Government a minimum service as such of ten years as the Commissioner of the Corporation.

(2) Subject to the provisions of Section (3), the Commissioner so appointed shall hold office for a term of three years in the first instance :

Provided further that his appointment may be renewed for a term not exceeding three years :

Provided further that no officer who has attained such age of superannuation as may from time to time be fixed by the Government shall be appointed or continue as Commissioner.

(3) The Government -

(a) shall recall the Commissioner if at a special meeting of the Corporation called for the purpose a resolution for such recall has been passed by a ma-jority of not less than two-thirds of the total number of members ;

(b) may recall the Commissioner at any time during the term of his appointment by giving a notice of at least one month to the Corporation.

48. Salary and allowances of Commissioner. - The Commissioner shall be paid out of the Corporation Fund such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the Government and may be given such facilities (if any) in relation to residential accommodation, conveyance and the like as may from time to time be fixed by the Government.

49. Leave of absence of Commissioner. - (1) Leave may be granted to the Commissioner by the Government.

(2) Whenever such leave is granted to the Commissioner the Government shall appoint another person to officiate as Commissioner in his place.

50. Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner. - If any vacancy occurs in the office of the Com-missioner on account of death, resignation or removal, the Government may appoint another person to officiate as Commissioner in his place for a term not ex-ceeding two months, pending the appointment of a Commissioner under Section 47.

51. Contribution by Corporation. - The Corporation shall make such contri-bution towards leave, allowances, pension and provident fund of the Commissioner as may be required by the conditions of his service under the Gov-ernment.

52. Functions of Commissioner. - Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being in force which confers any power or im-poses any duty on the Corporation, shall vest in the Commissioner who shall also-

(a) exercise all the powers and perform all the duties specifically conferred or imposed upon him by this Act or by any other law for the time being in-force;

(b) prescribe the duties of and exercise supervision and control over the acts and proceedings of all Corporation officers and other Corporation employ-ees, and subject to any rules that may be made under section 71, dispose of all questions relating to the service of the said officers and other employ-ees and their pay, privileges, allowances and other conditions of service;

(c) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve exten-sive damage to any property of the Corporation, or danger to human life, take such immediate action as he considers necessary and make a report forthwith to the Corporation of the action he has taken and the reasons for the same as also of the amount of cost, if any, incurred or likely to be in-curred in consequence of such action, which is not covered by a budget-grant.

53. Power of Corporation to require Commissioner to produce documents and furnish returns, reports, etc. - (1) The Corporation may at any time require the Commissioner -

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner or which is recorded or filed in his office or in the office of any Corporation officer or other Corporation employee subordinate to him;

(b) to furnish any return, plan, estimate, statement, account of statistics con-

cerning or connected with any matter pertaining to the administration of this Act or the municipal Government of the City;

(c) to furnish a report by himself or to obtain from any Corporation officer or other employee subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal Government of the City.

(2) Every such requisition shall be complied with by the Commissioner without any unreasonable delay; and it shall be incumbent on every Corporation officer and other Corporation employee to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that the Commissioner shall not be bound to comply with any such requisition if with the previous approval of the Mayor he makes a statement that such compliance would be prejudicial to public interest or to the interests of the Corporation.

54. Exercise of powers to be subject to sanction. - Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred or imposed upon the Corporation or any municipal authority by or under this Act, which will involve expenditure, shall be subject to the following conditions, namely :-

(a) that such expenditure, in so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget grant; and

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction of the Corporation, if it is incurred at any time after the next fol-lowing year.

CHAPTER V

Procedure

55. Transaction of business by the Corporation meetings. - (1) The Corpo-ration shall ordinarily hold at least one meeting in every month for the transaction of business.

(2) The Mayor or in his absence the Senior Deputy Mayor, and in the absence of both, the Deputy Mayor may, whenever he thinks fit, and shall upon a requisition in writing by not less than one-fourth of the total number of councillors, convene a special meeting of the Corporation.

(3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

56. First meeting of Corporation after general elections. - The first meeting of the Corporation after a general election shall be held as early as possible after

the publication of the results of the election of the councillors under section 17 and shall be convened by the Divisional Commissioner.

57. Notice of meetings and business. - A list of the business to be transacted at every meeting except at an adjourned meeting shall be sent to the registered ad-dress of each councillor at least seventy-two hours before the time fixed for such meeting and no business shall be brought before or transacted at, any meeting other than the business of which a notice has been so given :

Provided that any councillor may send or deliver to the Corporation Secretary notice of any resolution going beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the meeting and the Corporation Secretary shall with all possible despatch take steps to circulate such resolution to every councillor in such manner as he may think fit.

Explanation. - In this section 'registered address' means the address for the time being entered in the register of addresses of councillors maintained in this behalf by the Corporation Secretary.

58. Quorum. - (1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-third of the total number of members.

(2) If at any time during a meeting of the Corporation there is no quorum it shall be the duty of the Mayor or the person presiding over such meeting either to ad-journ the meeting or to suspend the meeting until there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an ad-journed meeting, whether there is quorum present or not.

59. Presiding Officer. - (1) The Mayor or in his absence, the Senior Deputy Mayor, and in the absence of the both, the Deputy Mayor shall preside at every meeting of the Corporation.

(2) In the absence of the Mayor and both the Deputy Mayors from the meeting, the members present shall elect one from among their own number to preside.

(3) The Mayor or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

60. Meeting for election of Mayor. - Notwithstanding anything contained in section 59 -

(a) meeting for the election of a Mayor shall be convened by the Divisional Commissioner who shall also nominate a council who is not a candidate for such election to preside over the meeting;

(b) if during the election of Mayor it appears that there is any equality of votes between any candidates at such election and that the addition of a vote would entitle any of those candidates to be elected as Mayor, then the per-son presiding over the meeting shall decide between them by lot

to be drawn in the presence of the candidates and in such manner as he may de-

termine, and the candidate on whom the lot falls shall be deemed to have received an additional vote.

61. Method of deciding question. - (1) Save as otherwise provided in this Act all matters required to be decided by the Corporation shall be decided by the ma-jority of the votes of the members present and voting.

(2) The voting shall be by show of hands, but the Corporation may, subject to such regulations as may be made by it, resolve that any question or class of ques-tions shall be decided by ballot.

(3) At any meeting, unless voting be demanded by at least four members, a dec-laration by the presiding officer at such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act be conclusive evidence of the fact without proof of the num-ber or proportion of the votes recorded in favour of or against such resolution.

(4) If voting as aforesaid is demanded, the votes of all of the members present who desire to vote shall be taken under the direction of the Presiding Officer at the meeting and the result of the voting shall be deemed to be resolution of the Cor-poration at such meeting.

62. Maintenance of order at and admission of public to meetings, with-drawal and suspension of councillors. - (1) The Mayor or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(2) The Mayor or the person presiding over a meeting may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting, and any councillor so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any councillor is ordered to withdraw a second time within fifteen days, the Mayor or the person presiding may suspend such councillor from attending the meetings of the Corporation for any period not exceeding fifteen days and the councillor so suspended shall absent himself accordingly;

Provided that the Mayor may at any time terminate such suspension :

Provided further that such suspension shall not debar the suspended councillor from serving on any committee of the Corporation of which he is a mem-ber.

(4) Subject to sub-section (5) every meeting shall be open to the public, unless a majority of the members present at the meeting decide that any inquiry or delib-eration pending before the Corporation shall be held in private.

(5) The Corporation may make regulations for the purpose of admission of the members of the public to its meetings and for the removal by force, if necessary, of any member of the public admitted to a meeting for interrupting or disturbing the proceedings of the meeting.

(6) In the case of grave disorder arising in a meeting the Mayor or the person presiding may, if he thinks it necessary to do so, adjourn the meeting to a date specified by him.

40 Punjab Municipal Corporation Act, 1976, Section 63

63. Councillor not to vote on matter in which he is interested. - No council-lor shall vote at a meeting of the Corporation or of any committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter (other than a matter affecting generally the residents of the City or of any particular ward), which affects his pecuniary interest or any property in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

64. Right to attend meetings of Corporation and its committees, etc. and right of councillors to ask questions in relation to the municipal Government of City. - (1) The Commissioner or any Corporation officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of any meeting of the Corporation or any of its committees, but he shall not be entitled to vote in any such meeting.

(2) A councillor may, subject to the provisions of sub-section (3), ask the Com-missioner, during first half of an hour of every meeting, question on any matter relating to the municipal government of the City or the administration of this Act.

(3) The right to ask a question shall be governed by the following conditions, namely :-

(a) not less than seven clear days' notice in writing specifying the question shall be given to the Corporation 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 de-famatory 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 Corpora-tion or any of the municipal authorities,

(vi) make or imply a charge of a personal character,

(vii) raise question 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 an-swer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters of past history,

(xi) ask for information set forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily re-sponsible to the Corporation, or,

(xiii) ask for any information on a matter which is under adjudication by a Court of Law.

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

(5) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (3), the Mayor shall decide the point and his decision shall be final.

(6) The Commissioner shall not be bound to answer a question if it asks for in-formation which has been communicated to him in confidence or if in the opinion of the Mayor it cannot be answered without prejudice to public interest or the in-terest of the Corporation.

(7) Unless otherwise directed by the Mayor or the presiding officer of the meet-ing every question shall be answered by the Commissioner at a meeting of the Corporation.

65. Power to make regulations. - The Corporation may make regulations for the transaction of business at its meetings and at the meetings of its ad hoc committees and the manner in which notice of such meetings shall be given :

Provided that the time, place and procedure for the first meeting after the con-stitution of the Corporation under section 4 shall be determined by the Di-visional Commissioner.

66. Presiding officer at meetings of ad hoc committees. - (1) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the ad hoc committee.

(2) In the absence of the Chairman and the Deputy Chairman from any meeting the members of any such committee shall choose one of their number to preside over the meeting.

67. Keeping of minutes and proceedings. - Minutes in which shall be recorded the names of the members present at, and the proceedings of each meeting of the Corporation and of committees shall be drawn up and recorded in a book to be kept for the purpose and shall be laid before the next ensuing meeting of the Corporation or of the committee, as the case may be and signed at such meeting by the presiding officer thereof.

68. Circulation of minutes and inspection of minutes and reports of proceedings - (1) Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the members of the Corporation and shall at all reasonable times be available at the Corporation office for inspection by any other person on payment of a fee prescribed by regulations.

(2) Full reports, if any, of such proceedings shall similarly be available for inspection by any member of the Corporation without charge and by any other person, on payment of a fee prescribed by regulations.

69. Forwarding minutes and reports of proceedings to Divisional Commis-sioner. - (1) The Corporation Secretary shall forward to the Divisional Commissioner as well as to the Government a copy of the minutes of the proceed-

ings of each meeting of the Corporation within three days from the date of the meeting.

(2) The Divisional Commissioner or the Government may also in any case ask for a copy of any paper or all the papers which were laid before the Corporation or any Committee thereof and the Corporation Secretary shall forward to the Di-visional Commissioner or Government, as the case may be, a copy of such paper or papers.

70. Validation of proceedings, etc. - (1) The Corporation shall have power to act notwithstanding any vacancy in the membership thereof and no act done or the proceedings taken under this Act shall be questioned on the ground merely of -

(a) the seat of any councillor remaining unfilled from any cause whatsoever;

(b) the existence of any vacancy in, or any defect in the constitution of the Cor- poration, or in any committee thereof;

(c) any councillor having voted or taken part in any proceedings in contraven- tion of section 63;

(d) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation or of any committee thereof, the minutes of proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

CHAPTER VI

Corporation Officers and other Corporation Employees

71. Posts in Corporation and appointments thereto. - (1) The Government may, by notification, constitute in the prescribed manner, all or any of the follow-ing Corporation Services, namely :

(i) Punjab Service of Corporation Engineers and Sectional Officers;

(ii) Punjab Service of Corporation Health Officers;

(iii) Punjab Service of Corporation Secretaries ;

(iv) Punjab Service of Corporation Accounts Officers and Accountants ; and

(v) Such other Corporation Service as the Government may decide.

(2) The Government may make rules for regulating the recruitment and the con-ditions of service of members of the Corporation Services referred to in sub-section (1), and the classification of such services and for the duties and func-tions of the members of such services.

(3) The Government may transfer any member of a Corporation Service from a post in one Corporation to a post carrying the same scale of pay in another Cor-poration.

(4) The salary, allowances, gratuity, annuity, pension and other payments re-quired to be made to the members of the Corporation Services in accordance with the conditions of their service shall be charged from the Corporation Fund in the prescribed manner.

(5) Creation of posts in a Corporation Service and appointment of members thereto shall be made by the Government or by an authority empowered by the Government in this behalf after taking into consideration the requirements of

the Corporation and their financial capacity but no such member shall be deemed to have been appointed to any civil service or post under the State.

(6) Every person who, immediately before the issue of a notification under sub-section (1), is serving in a City on a post in relation to which a Corporation service is constituted shall on the issue of such notification become a member of the cor-responding Corporation Service if he is found fit by an authority appointed by the Government in this behalf for becoming such a member on the basis of his quali-fications and service record and if he is not found fit the post on which he is serving shall be deemed to have been abolished :

Provided that the condition regarding determination of fitness for becoming a member of a Corporation Service shall not apply to a person who was found to be fit for becoming a member of the corresponding Municipal Service constituted under section 38 of the Punjab Municipal Act, 1911, or was recruited thereto at any time thereafter :

Provided further that the terms and conditions of service of a person who be-comes a member of a Corporation Service in the manner referred to above, in so far as they relate to remuneration, gratuity and provident fund shall not be varied to his disadvantage on his becoming a member of the Corpo-ration Service.

(7) In respect of a post other than those falling under sub-section (1) the power to create the same and to make appointment thereto shall vest, in the Commis-sioner if the maximum of the grade of that post does not exceed five hundred rupees and in the Corporation if it so exceeds :

Provided that no post the maximum of the grade whereof exceeds one thou-sand rupees shall be created under this sub-section save with the prior ap-proval of the Government.

(8) Notwithstanding anything contained in any other law for the time being in force in consultation with the Punjab Public Service Commission shall not be nec-essary in the case of appointment to any post referred to in this section but appointment to any such post in initial pay whereof exceeds the prescribed limit shall be made on the recommendation of a selection committee constituted by the Government in that behalf and where the appointing authority does not agree with the recommendation of the selection committee the matter shall be referred to the Government for decision.

(9) In making an appointment to any post referred to in this section, the appoint-ing authority shall follow the instructions issued by the Government from time to time in relation to reservation of appointments or posts for Scheduled Castes, Backward Classes and any other special category of persons.

72. Officers and other employees not to undertake any extraneous work. -No Corporation officer or other Corporation employee shall undertake any work unconnected with duties under this Act except with the permission of the Corpo-ration.

73. Officers and other employees not to be interested in any contract, etc.

with Corporation. - (1) A person shall be disqualified for being appointed as a Corporation officer or employee if he has, directly or indirectly, by himself or by a partner or any other person any share or interest in any contract made with,

or any work being done for, the Corporation, other than as such officer or employee.

(2) If any such officer or other employee acquires, directly or indirectly by him-self or by a partner or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall, unless the authority appoint-ing him in any particular case otherwise decides, be liable to be removed from his office by an order of such authority :

Provided that before an order of removal is made, such officer or other em-ployee shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

74. Punishment of Corporation officers and other employees. - (1) Every Corporation officer or other Corporation employees, other than those referred to in sub-section (1) of sub-section 71, shall be liable to have his increments or pro-motion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such author-ity as may be prescribed by regulations :

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by an authority sub-ordinate to that by which he was appointed :

Provided further that the Corporation may by regulations provide that Corpo-ration employees belonging to such classes or categories as may be speci-fied in the regulations shall be liable also to be fined by such authority as may be specified therein.

(2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided that this sub-section shall not apply -

(a) where an officer or other employee is removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reason to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of show-ing cause.

(3) If any question arises whether it is reasonably practicable to give to any of-ficer or other employee an opportunity of showing cause under sub- section (2), the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4) An officer or other employee upon whom a punishment has been inflicted under this s. may appeal to such officer or authority as may be prescribed by regu-lations.

75. Power of Corporation to make regulations. - The Corporation may make regulations to provide for any one more of the following matters, namely :-

(a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter, other than those referred to in sub-section (1) of section 71;

(b) the qualifications of candidates for appointment to posts specified in sub- section (7) of section 71;

(c) the procedure to be followed in imposing any penalty under sub- section (1) of section 74, suspension pending departmental inquiry before the im-position of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section ;

(d) any other matter which is incidental to, or necessary for the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Corporation and any other matter for which in the opinion of the Corporation provisions should be made by regula-tions.

CHAPTER VII

Revenue and Expenditure

76. Constitution of Corporation Fund. - (1) Save as otherwise provided in this Act, -

(a) all funds which immediately before the constitution of a City vested in any local authority of the City or any part thereof;

(b) all moneys received by or on behalf of the Corporation under the provi-sions of this Act or of any law for the time being in force, or under any con-tract;

(c) all proceeds of the disposal of property by, or on behalf of the Corporation;

(d) all rents accruing from any property of the Corporation;

(e) all moneys raised by any tax, rate of cess levied for the purposes of this Act;

(f) all fees collected and all fines levied under this Act or under any rule, regu- lation or bye-law made thereunder;

(g) all moneys received by or on behalf of the Corporation from the Govern-ment or any individual or association of individuals by way of grant or gift of deposit;

(h) all interests and profits arising from any investment of, or from any trans-action in connection with, any money belonging to the Corporation, in-cluding loans advanced under this Act;

(i) all moneys received by or on behalf of the Corporation from any other source whatsoever;

(2) The Corporation Fund shall be held by the Corporation in trust for the pur-poses of this Act subject to the provisions herein contained.

77. Corporation Fund to be kept in State Bank of India or in Treasury or in a Nationalised Bank. - All moneys payable to the credit of the Corporation Fund shall be received by the Commissioner and shall be forthwith paid into the State Bank of India, in a Treasury of the Government, in a Nationalised Bank or in any other Bank approved by the Government in this behalf.

78. Operation of accounts with Banks. - Save as otherwise provided in this Act, no payment shall be made by any Bank referred to in section 77 out of the Corporation Fund except on a cheque signed by both -

(a) the officer-in-charge of accounts; and

(b) the Commissioner or an officer subordinate to him authorised by him in this behalf.

79. Payments not to be made unless covered by a budget-grant. - No payment of any sum out of the Corporation Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under the provisions of this Act :

Provided that this section shall not apply to payments made in the following classes of cases, namely :-

(a) refund of taxes and other moneys which are authorised under this Act;

(b) repayment of moneys belonging to contractors or other persons and held in deposite and of moneys collected or credited to the Corporation Fund by mistake;

(c) sum payable in any of the following circumstances :-

(i) under orders of the Government on failure of the Corporation to take any action as required by the Government; or

(ii) Under any other enactment for the time being in force; or

(iii) under the decree or order of a civil or criminal court passed against the Corporation; or

(iv) under a compromise of any claim, suit or other legal proceedings; or

(v) on account of cost incurred in taking immediate action by the Corporation or the Commissioner to avert a sudden threat of danger to the property of the Corporation or to human life;

(d) temporary payment for works urgently required by the Government in the public interest;

(e) sums payable as compensation under this Act or under any rules, regulations or bye-laws made thereunder ;

(f) expenses incurred by the Corporation on special measures taken on the out- break of dangerous diseases;

(g) amount payable to Government by way of audit fee.

80. Duty of persons signing cheques. - Before any person signs a cheque in ac-cordance with section 78 or signs any bill for payment of any amount from the

Treasury, he shall satisfy himself that the sum which is specified, for payment in the bill or for which the cheque is drawn, as the case may be, is either -

(a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant; or

(b) required for any payment referred to, or specified in, section 79.

81. Procedure when money not covered by a budget-grant is expended. - Whenever any sum is expended under clause (c), (e) or (f) of the proviso to section 79, the Commissioner shall forthwith communicate the circumstances to the Cor-poration to take such action under the provisions of this Act as shall, in

the circumstances, appear possible and expedient for covering the amount of the ad-ditional expenditure.

82. Application of Corporation Fund. - (1) The moneys from time to time credited to Corporation Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the provisions of this Act, and of the rules, regu-lations and bye-laws made thereunder, or of which payment is duly directed, sanctioned or required by or under any of the provisions of this Act.

(2) Such moneys shall likewise be applied in payment of all sums payable out of the Corporation Fund under any other enactment for the time being in force.

(3) Notwithstanding anything contained in this Act such moneys may also be applied in payment of all sums, charges and costs on all acts and things which are likely to promote the safety, health, welfare, or convenience of the inhabitants, or expenditure whereon may be declared by the Corporation, with the sanction of the Government, to be an appropriate charge on the Corporation Fund.

(4) Each Corporation shall contribute from its Fund such sum as may be re-quired by the Government towards meeting the cost of the Local Government Directorate or its sub-offices as the Government may establish, for the purpose of advising, assisting and supervising the work of Corporation and other local bod-ies:

Provided that such sum shall not exceed an amount equal to one per cent of the income for the financial year preceding the year, in which the Corporation is called upon to make the contribution.

83. Payments from Corporation Fund for works urgently required for public service. - On the written requisition of the Secretary, Local Government Department, Punjab, the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in public interest, and for this purpose may temporarily make payments from the Corporation Fund so far as the same can be met without unduly interfering with the regular work of the municipal government.

84. Investment of surplus money. - (1) Surplus moneys standing at the credit of Corporation Fund which cannot immediately or at an early date be applied for the purposes specified in section 82 shall be invested in the prescribed manner.

(2) The loss, if any, arising from such investment, shall be debited to the Cor-poration Fund.

85. Constitution of special funds. - (1) The Corporation shall constitute such special fund or funds as may be prescribed by regulations and such other funds necessary for the purposes of this Act as may be so prescribed.

(2) The Constitution and disposal of such funds shall be effected in the manner laid down by regulations.

86. Budget estimates. - (1) The Corporation shall, not later than the first week of February of every year, adopt for the ensuing year a budget estimate

which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the municipal Government of the City.

(2) The budget estimate adopted under sub-section (1) shall be submitted to the Government not later than the last week of February preceding the year to which the budget estimate relates.

(3) The budget estimate received by the Government under sub-section (2) shall be returned to the Corporation before the 31st day of March after approval without any modification or with such modifications as the Government may deem fit.

(4) The budget estimate shall be prepared in such manner and shall provide for all such matters as may be prescribed.

87. Power of Corporation to alter budget estimates. - (1) On the recommen-dation of the Commissioner, the Corporation may from time to time during the year -

(i) increase the amount of any budget-grant under any head,

(ii) make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year,

(iii) transfer the amount or portion of the amount of the budget- grant under any head to the account of the budget-grant under any other head, or

(iv) reduce the amount of the budget-grant under any head :

Provided that due regard shall be had to all the requirements of this Act and in making any increase or any additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below the sum of one lakh rupees or such higher sum as the Corporation may determine in re-spect of each budget estimate.

(2) Every increase in a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be made with the prior approval of the Gov-ernment and after such approval shall be deemed to be included in the budget estimate finally adopted for that year.

(3) The Commissioner may from time to time during the year -

(a) reduce the amount of a budget-grant, or

(b) sanction the transfer of any amount within a budget-grant :

Provided that every reduction if it exceeds five hundred rupees shall be re-

ported forthwith by the Commissioner to the Corporation and the Commissioner shall give effect to any order that may be passed by the Corporation in relation thereto.

(4) The Commissioner may, from time to time during the year, sanction the transfer of any amount not exceeding five thousand rupees within a minor head if such transfer does not involve a recurring liability.

88. Power of Corporation to re-adjust income and expenditure during the year. - (1) If at any time during the year it appears to the Corporation that, notwith-standing any reduction of budget-grant that has been made under section 87, the income of the Corporation Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimate of that year and to leave at the close of the year the cash balance specified in or determined

under the proviso to sub-section (1) of section 87, then it shall be incumbent on the Corporation to sanction forthwith any measures which it may consider necessary for adjusting that year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year so far as it may be possible so to do with regard to all the requirements of this Act, or have recourse to supplementary taxation un-der section 133 or to an increase of the rates of cesses, fees, fares and other charges leviable under this Act, or to adopt all or any of those methods.

89. Provisions as to unexpended budget-grant. - If the whole or any part of any budget-grant included in the budget estimates for a year remains unexpended at the close of that year, and that amount thereof has not been taken into account in the opening balance entered in the budget estimates of any of the next two fol-lowing years, the Commissioner may sanction the expenditure of such budget-grant or the unexpended portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

CHAPTER VIII

Taxation

90. Taxes to be imposed by Corporation under this Act and arrangement of certain taxes collected by Government:- (1) The Corporation shall, for the purposes of the Act, levy the following taxes :-

(a) taxes on lands and buildings;

(b) octroi;

(c) a tax on vehicles and animals ;

(d) a tax on advertisements other than advertisements published in newspa-pers;

(e) a tax on buildings payable along with the application for sanction of the building plan; and

(f) a development tax on the increase in urban land values caused by the exe- cution of any development or improvement work.

(2) Subject to the prior approval of the Government the Corporation may, for the purposes of this Act, in addition to the taxes specified in sub- section (1), levy,-

(a) a tax on professions, trades, callings and employments; and

(b) any other tax which the State Legislature has power to impose under the Constitution :

Provided that no tax shall be imposed under this sub-section unless an oppor-tunity has been given in the prescribed manner to the residents of the City to file objections and the objections, if any, thus received have been con-sidered.

(3) The taxes specified in sub-section (1) and sub-section (2) shall be levied at such rates as may, from time to time, be specified by the Government by notifi-cation and shall be assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.

(4) The Government may, by special or general order, direct a Corporation to impose any tax falling under sub-section (1) or sub-section (2) not already imposed, within such period as may be specified and the Corporation shall thereupon act accordingly.

(5) If the Corporation fails to carry out any order passed under sub-section (4), the Government may by a suitable order notified in the Official Gazette impose the tax and the order so passed shall operate as if the tax had been duly imposed by the Corporation under sub-section (1) or sub-section (2), as the case may be.

(6) After the close of each year the Government may pay to the Corporation the whole or such part as it may determine of the Tax collected by it -

(a) under the Indian Stamp Act, 1899 on account of stamp duty on transfer of property situated within the local area of the City ;

(b) under the Punjab Motor Vehicles Taxation Act, 1924, from every person keeping a motor vehicle within the local area of the City;

(c) under the Punjab Electricity (Duty) Act, 1958, on the energy supplied within the local area of the City;

(d) under the Punjab Entertainment Duty Act, 1955 from every person admit- ted to an entertainment within the local area of the City;

(e) under the Punjab Entertainments Tax (Cinematograph Shows) Act, 1954, from the proprietor of the premises where a public cinematograph exhibi-tion is held within the local area of the City.

91. Components and rates of taxes on lands and buildings. - (1) Save as oth-erwise provided in this Act, Taxes on lands and buildings in the City shall consist of the following, namely :-

(a) a water tax of such percentage of the rateable value of lands and buildings as the Governments may deem reasonable for providing water-supply in the City;

(b) a fire tax on such percentage of the rateable value of lands and buildings as the Government may deem reasonable for the expense necessary for the

conduct and management of the Fire Service and for the protection of life and property in the case of the fire;

(c) a general tax of not more than fifteen per cent of the rateable value of lands and buildings within the City :

Provided that the general tax may be levied on a graduated scale, if the Government determines.

(2) The Government shall exempt from the general tax lands and buildings of which the rateable value does not exceed the prescribed limit.

92. Premises in respect of which water tax and fire tax are to be levied. - (1) Save as otherwise provided in this Act, the water tax shall be levied only in respect of lands and buildings -

(a) to which a water supply is furnished from or which are connected by means of pipes with, municipal water works; or

(b) which are situated in any portion of the City in which the Commissioner has given public notice that sufficient water is available from municipal water works for a reasonable supply to all the lands and buildings in the said portion.

(2) The fire tax shall be levied in respect of all lands and buildings in the City in respect of which the general tax is levied or would have been levied but for the exemption given by or under the provisions of this Act.

93. Determination of rateable value of lands and buildings assessable to taxes - Subject to the rules, if any, made by the State Government in this behalf, the rateable value of any land or building assessable to taxes specified in section 91 shall be -

(a) in the case of land, the gross annual rent at which it may reasonably be ex- pected to let;

(b) in the case of any building, the gross annual rent at which such building, together with its appurtenances and any furniture that may be let for use for enjoyment therewith, may reasonably be expected to let, subject to the fol-lowing deductions :-

(i) such deduction not exceeding 20 per cent of the gross annual rent as the Commissioner in each particular case may consider a reasonable al-lowance on account of the furniture let therewith;

(ii) a deduction of 10 per cent for the cost of repairs and for all other ex- penses necessary to maintain the building in a state to command such gross annual rent. The deduction under this sub-clause shall be calcu- lated on the balance of the gross annual rent after the deduction (if any) under sub- clause (i);

(iii) where land is let with a building, such deduction, not exceeding 20 per cent, of the gross annual rent, as the Commissioner in each particu-lar case may consider reasonable on account of the actual expenditure, if any, annually incurred by the owner on the upkeep of the land in a state to command such annual rent.

Explanation I. - For the purposes of this clause it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are

let by the same contract or by different contracts, and if by different contracts whether such contracts are made simultaneously or at different times.

Explanation II. - The term ‘‘gross annual rent’’ shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

(c) In the case of any building, the gross annual rent of which cannot be de- termined under clause (b), 5 per cent on the sum obtained, by adding the estimated present cost of erecting the building less such amount as the Commissioner may deem reasonable to be deducted on account of depre-ciation (if any), to the estimated market value of the site and any land at-tached to the building :

Provided that -

(i) in the calculation of the rateable value of any premises no account shall be taken of any machinery thereon ;

(ii) when a residential building is occupied by the owner or is not let the rateable value shall be fifty percentum of the annual market rent preva-lent at the time of assessment in the locality for similar accommoda-tion:

Provided further that in respect of any land or building the fair rent whereof has been fixed under the law relating to rent restriction for the time being in force, the rateable value thereof shall not exceed the annual amount of the fair rent so fixed or the actual rent for which the same has been let, which-ever is higher.

94. Furnishing of returns and penalty for failure to do so. - Every owner the rateable value of whose lands and buildings exceeds thirty thousand rupees shall furnish a return of the rateable value of his lands and buildings in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed and if he fails to do so or gives any information in the return which is false, and which he either knows or believes it to be false or does not be-lieve to be true, shall be punishable with fine which may extend to five thousand rupees or with imprisonment for a term which may extend to three months or with both.

95. Charge by measurement in lieu of water tax in certain cases. - (1) The Commissioner may in such cases as the Corporation may either generally or spe-cifically direct, instead of levying water tax in respect of any land or building liable thereto under section 92, charge for the water supplied to such land or build-ing by measurement at such rate as shall from time to time be prescribed by the Corporation in this behalf.

(2) The Corporation may for the cases in which the Commissioner charges for water supplied by measurement under sub-section (1), prescribe such conditions as it may think fit regarding the use of the water and regarding the charges to be paid for water consumed whilst a meter is out of order or under repair :

Provided that no condition prescribed under this sub-section shall be inconsis-tent with this Act.

(3) A person who is charged for water supplied by measurement shall not be li-

able for payment of water tax but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as an ar-rear of water tax under this Act.

(4) In prescribing charges for water supplied by measurement under sub- sec-tion (1), it shall be lawful for the Corporation to prescribe different rates in respect of different classes of lands and buildings.

96. Taxation of Union properties. - Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the taxes on lands and buildings specified in sec-tion 91 :

Provided that nothing in this section shall prevent the Corporation from levying any of the said taxes on such lands and buildings to which im-mediately before the 26th January, 1950, they were liable, or treated

as liable, so long as that tax continues to be levied by the Corporation on other lands and buildings.

97. Incidence of taxes on lands and buildings. - (1) The taxes on lands and buildings shall be primarily leviable as follows :-

(a) if the land or building is let, upon the lessor ;

(b) if the land or building is sub-let, upon the superior lessor ;

(c) if the land or building is unlet, upon the person in whom the right to let the same vests.

(2) If any land has been let for a term exceeding one year to a tenant and such tenant has built upon the land, the taxes on lands and buildings assessed in respect of that land and the building erected thereon shall be primarily leviable upon the said tenant, whether the land and building are in the occupation of such tenant or a sub-tenant of such tenant.

Explanation - The term ‘‘tenant’’ includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer inter vivos.

(3) The liablility of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms, for payment of taxes on lands and buildings or any instalments thereof payable during the period of such member-ship shall be joint and several.

98. Apportionment of liability of taxes on lands and buildings when prem-ises assessed are let or sub-let. - (1) If any land or building assessed to taxed specified in section 91 is let and its rateable value exceeds the amount of rent pay-able in respect thereof to the person upon whom under the provisions of s. 97 the said taxes are leviable, that person shall be entitled to receive from his tenant the difference between the amount of the said taxes levied upon him and amount which would be leviable upon him if the said taxes were calculated on the amount of rent payable to him.

(2) If the land or building is sublet and its rateable value exceeds the amount or rent payable in respect thereof to the tenant by his sub-tenant, or the amount or rent

payable in respect thereof to a sub-tenant by the person holding under the sub-ten-ant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of taxes on lands and buildings which would be levi-able in respect of the said land or building if the retable value thereof were equal to the difference between the amount of rent which such tenant of sub-tenant re-ceived and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

99. Recovery of taxes on lands and buildings from occupiers. - (1) On the failure to recover any sum due on account of taxes specified in section 91 in re-spect of any land or building from the person primarily liable therefor under section 97, the Commissioner shall in the prescribed manner recover from every

occupier of such land or building by attachment, or the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or build-ing.

(2) An occupier from whom any sum is recovered under sub-section (1) shall be entitled to be reimbursed by the person primarily liable for the payment and may in addition to having recourse to other remedies that may be open to him, de-duct the amount to be recovered from the amount of any rent from time to time becoming due from him to such person.

100. Taxes on lands and buildings a first charge on premises on which they are assessed. - Taxes due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge -

(a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable for such taxes and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to such person; and

(b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such taxes.

Explanation. - The term ‘‘taxes’’ in this section shall be deemed to include-

(i) charges payable under section 95; and

(ii) the costs of recovery thereof and the penalty, if any, payable as specified in the bye-laws.

101. Assessment list. - (1) Save as otherwise provided in this Act, the Corporation shall cause an assessment list of all lands and buildings in the City to be prepared in such form and manner and containing such particulars with respect to each land and building as may be prescribed by bye-laws.

(2) When the assessment list has been prepared, the Commissioner shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any land or building included in the list and any authorised agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.

(3) The Commissioner shall, at the same time, give public notice of a date, not less than one month thereafter, when he will proceed to consider the rateable value of lands and buildings, entered in the assessment list, and in all cases in which any land or building is for the first time assessed (or the rateable value of any land or building is increased he shall also give written notice thereof to the owner or to any lessee or occupier of the land or building.

(4) Any objection to a rateable value or any other matter as entered in the assess-ment list shall be made in writing to the Commissioner before the date fixed in the notice and shall state in what respect the rateable value or other

matter is disputed, and all objections so made shall be recorded in a register to be kept for the purpose.

(5) The objections shall be inquired into and investigated and the persons mak-ing them shall be allowed an opportunity of being heard either in person or by authorised agent, by a committee consisting of two councillors elected by the Cor-poration for that purpose and the Commissioner or an officer of the Corporation authorised by him in this behalf.

(6) When all objections have been disposed of, and the revision of the rateable value has been completed, the assessment list shall be authenticated by the signa-ture of the Commissioner or, as the case may be, the officer authorised by him in this behalf, who shall certify that except in the cases, if any, in which amendments have been made as shown therein no valid objection has been made to the rateable value or any other matters entered in the said list.

(7) The assessment list so authenticated shall be deposited in the office of the Corporation and shall be open for inspection free of charge during office hours to all owners, lessees and occupiers of lands and buildings comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forth-with be published.

102. Evidentiary value of assessment list. - Subject to such alterations as may thereafter be made in the assessment list under section 103 and to the result of any appeal made under the provisions of this Act, the entries in the assessment list authenticated and deposited as provided in section 101 shall be accepted as con-clusive evidence, for the purpose of assessing any tax levied under this Act, of the rateable value of all lands and buildings to which such entries respectively relate.

103. Amendment of assessment list. - (1) The Commissioner may, at any time, amend the assessment list, -

(a) by inserting therein the name of any person whose name ought to be in-serted ; or

(b) by inserting therein any land or building previously omitted ; or

(c) by striking out of the name of any person not liable for the payment of taxes on lands and buildings ; or

(d) by increasing or reducing for adequate reasons the amount of any rateable value and of the assessment thereupon ; or

(e) by making or cancelling any entry exempting any land or building from li- ability to any tax ; or

(f) by altering the assessment on the land or building which has been errone-ously valued or assessed through fraud, mistake or accident ; or

(g) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the assessment list:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the com-mencement of the year in which the notice under sub-section (2) is given.

(2) Before making any amendment under sub-section (1), the Commissioner shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment and consider any objections which may be made by such person.

104. Preparation of new assessment list. - It shall be in the discretion of the Commissioner to prepare for the whole or any part of the City a new assessment list every year or to adopt the rateable values contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the rateable values for the year following giving the same public notice as well as individual notices, to persons affected by such alterations, of the rateable values as if a new assessment list had been prepared.

105. Notice of transfers. - (1) Whenever the title of any person primarily liable for the payment of taxes specified in section 91 on any land or buildings is trans-ferred, the person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Commis-sioner.

(2) In the event of the death of any person primarily liable as aforesaid, the per-son on whom the title of the deceased devolves, shall give notice of such devolution to the Commissioner within six months from the date of the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be de-termined by bye-laws made under this Act, and the transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall in addition to any penalty to which he may be subjected under the provisions of this Act, continue liable for the payment of all taxes speci-fied in section 91 from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the Commissioner's book, but nothing in this section shall be held to affect the liabil-ity of the transferee for the payment of the said taxes.

(5) The Commissioner shall record every transfer or devolution of title notified to him under this section in his books and in the assessment list.

(6) On a written request by the Commissioner, the registrar or sub-registrar, having jurisdiction in the City, appointed under the Registration Act, 1908, shall furnish such particulars regarding the registration of instruments of transfer of im-movable properties in the City, as the Commissioner may from time to time require.

(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or, if the Commissioner so requests, by pe-riodical returns at such intervals as the Commissioner may fix.

106. Notice of erection of building, etc. - When any new building is erected or when any building is re-built or enlarged or when any building which has been va-cant is re-occupied, the person primarily liable for the taxes specified

in section 91 assessed on the building shall give notice thereof in writing to the Commis-sioner within fifteen days from the date of its completion or occupation, whichever first occurs, or as the case may be, from the date of its enlargement or re-occupation; and the said taxes shall be assessable on the building from the said date.

107. Notice of demolition or removal of building. - (1) When any building or any portion of a building, which is liable to the payment of taxes specified in sec-tion 91 is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said taxes shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, by person aforesaid shall continue liable to the payment of such taxes as he would have been liable to pay in respect of such build-ing if the same or any portion thereof had not been demolished or removed.

108. Power of Commissioner to call for information and return. - (1) To en-able him to determine the rateable value of any land or buildings and the person primarily liable for the payment of any taxes specified in section 91 leviable in re-spect thereof, the Commissioner may require the owner or occupier of such land or building, or of any portion thereof to furnish him within such reasonable period as the Commissioner fixes in this behalf, with information or with a written return signed by such owner or occupier -

(a) as to the name and place of residence of the owner or occupier of both the owner and occupier of such land or building;

(b) as to the measurements or dimensions of such land or building or of any portion thereof and the rent, if any, obtained for such land or building or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determi- nation of the value of such land or building.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true re-turn to be best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true in-

formation or to make a true return to the best of his knowledge or belief, shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building of which he is the owner or occupier.

109. Premises owned by or let to, two or more persons in severalty to be or-dinarily assessed as one property. - Notwithstanding that any land or building is owned by, or let to, two or more persons in severalty, the Commissioner shall for the purpose or assessing such land or building to taxes specified in section 91 treat the whole of it as one property :

Provided that the Commissioner may, in respect of any land building which was originally treated as one property but which subsequent passes on by transfer, succession or in any other manner to two or more persons who di-vide the same into several parts and occupy them in severalty, treat, subject to any bye-law made in this behalf, each such several part,

or two or more of such several parts together, as a separate property and assess such part or parts to the said taxes accordingly.

110. Assessment in case of amalgamation of premises. - If any land or build-ing, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Commissioner shall on such amalgamation as-sign to them one or more numbers and assess them to taxes specified in section 91 accordingly :

Provided that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises except when there is any re-valuation of any of the said premises.

111. Power of Commissioner to assess separately out-houses and portions of buildings. - The Commissioner may in his discretion assess any out-houses ap-purtenant to a building, or any portion of a land or building separately from such building or, as the case may be, from the rest of such land or building.

112. Power of Commissioner to employ valuers. - The Commissioner may, if he thinks fit, employ one or more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so em-ployed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorisation in writing in that behalf from the Commissioner, to enter on, survey and value any land or building which the Com-missioner may direct him to survey and value.

(2) No person shall wilfully delay or obstruct any such person in the exercise of any of his powers under this section.

113. Levy of octroi. - Except as hereinafter provided, the Corporation shall levy octroi on article and animals, imported into the City, at such rates as may be speci-fied by the Government:

[Provided that with effect from the commencement of the Punjab Municipal Corporation (Amendment) Act, 2006, no octroi shall be levied, except on electricity, petrol and diesel :

Provided further that the additional excise duty, levied in lieu of octroi on liq- uor under any other provision of law, shall continue to be levied.]1

114. Power to examine article liable to octroi. - Every person bringing or re-ceiving within the octroi limits of any City any article on which octroi is payable, shall when required by an officer duly authorised by the Government or the Cor-poration in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable-

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

115. Power to search where octroi is leviable. - If any person, bringing or re-ceiving conveyance or package within the octroi limits of a City on which octroi is or is believed to be leviable, shall refuse, on the demand of an officer authorised by the Government or the Corporation in this behalf, to permit the

officer to in-spect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which oc-troi is payable or shall refuse to communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of defrauding the Corporation shall communicate any such information which is false or exhibit any such bill, invoice or document of a like nature which is false or forged, he shall be punishable with fine which may extend to fifty rupees.

116. Penalty for evasion of octroi. - If animals or articles passing the octroi limits of a corporation are liable to the payment of octroi then every person who causes or abets the introduction of, or himself introduces or attempts to introduce within the said octroi limits any such animals or articles upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to twenty times the value of such octroi or to fifty rupees, whichever may be greater.

117. Recovery of octroi and tolls. - (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same or the officer referred to in Section 114 may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

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

1.Substituted by Punjab Act No. 25 of 2006.

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

1**[117-A. Leasing of octroi or appointment of agent for collection thereof. -**(1) Notwithstanding anything contained in this Act, it shall be lawful for the Cor-poration to lease by public auction or by invitation of bids in writing, the collection of octroi for any period not exceeding one year at a time or to appoint an agent for the collection thereof.

(2) Where the collection of octroi has been so leased or where any agent is ap-pointed in terms of sub-section (1), any person employed by the lessee or the agent shall, subject to the conditions of the lease or, as the case may be, with the agree-ment of agency, exercise the powers and perform the duties conferred and imposed on the officers and the employees of the Corporation authorised to col-lect octroi under this Act or the rules made thereunder :

Provided that no property seized under the provisions of section 117 may be sold except under the orders of the Commissioner.

(3) Subject to the directions of the State Government by general or special order from time to time, if any, the Corporation shall regulate the collection of

octroi either through the lessee or agent in such a manner or procedure as it may deem fit having regard to the provisions of this Act."]

118. Tax on vehicles and animals. - (1) A tax under clause (c) of sub-Section (1) of Section 90 shall be levied at rates specified, from time to time by the Gov-ernment in this behalf on -

(a) vehicles, other than mechanically propelled vehicles, and other conveyance plying for hire and kept within the City ;

(b) animals used for riding, driving, draught or burden, when kept within the City ; and

(c) dogs kept within the City.

(2) A vehicle or animal kept outside the limits of the City but regularly used within such limits shall be deemed to be kept for use in the City.

119. Tax on whom leviable. - The tax on vehicles or animals shall be leviable upon the owner of, or the person having possession or control of, such vehicles or animals in respect of which the tax is leviable :

Provided that in the case of an animal generally used or employed in drawing any vehicle, the tax in respect of such animal shall be leviable upon the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

1.Added vide Punjab Act No. 7 of 1995.

120. Exemptions from taxes on vehicles and animals. - (1) The tax under clause (a) of sub-section (1) of Section 118 shall not be leviable in respect of -

(a) vehicles belonging to the Corporation, Government or the Union of India;

(b) vehicles intended exclusively for the conveyance free of charge of the in-jured, the sick or the dead ;

(c) children's perambulators or tricycles ;

(d) vehicles kept by bona fide dealers in vehicles merely for sale and not for use.

(2) The tax under clause (b) of sub-section (1) of Section 118 shall not be levi-able in respect of animals belonging to the Corporation, Government or Union of India.

121. Tax when payable. - The tax on vehicles or animals shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

122. Tax on advertisements. - (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, boarding, frame, post or structure or upon or in any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), shall pay for every advertisement which is so erected, exhibited, fixed or retained or so dis-played to public view, a tax calculated at such rates, as may from time to time, be specified by the Government.

Provided that 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 Legislative As-sembly or the Corporation or to candidature in respect of such election; or

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

(c) relates to the trade, profession or business carried on within the land or 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 en-tertainment or meeting to be held on or upon or in the same ; or

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

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway admini-stration ; or

(f) relates to any activity of the Government or Union of India or the Corpo-ration.

(2) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

Explanation 1. - The word ‘‘structure’’ in this section includes any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2. - The word ‘‘advertisement’’ in relation to a tax on advertisement under this Act means any word, letter, model, sign, placard, notice, device or rep-resentation whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

123. Prohibition of advertisements without written permission of Commis-sioner. - (1) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, boarding, frame, post or structure or upon in any vehicle or shall be displayed in any manner whatsoever in any place within the City without the written permission of the Commissioner granted in accordance with bye-laws made under this Act.

(2) The Commissioner shall not grant such permission, if-

(a) the advertisement contravenes any bye-law made under this Act ; or

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

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in re-spect of such permission.

124. Permission of Commissioner to become void in certain cases. - The per-mission granted under Section 123 shall become void in the following cases namely:-

(a) if the advertisement contravenes any bye-law made under this Act ;

(b) if any material change is made in the advertisement or any part thereof without the previous permission of the Commissioner ;

(c) if the advertisement or any part thereof falls otherwise than through accident;

(d) if any addition or alteration is made to, or in the building, wall, boarding, frame, post or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof ; and

(e) if the building, wall, boarding, frame, post or structure over which the ad-vertisement is erected, exhibited, fixed or retained is demolished or de-stroyed.

125. Presumption in case of contravention. - Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, boarding, frame, post or structure or upon or in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder it shall be presumed, unless and until con-trary is proved, that the contravention has been committed by the person or the person on whose behalf the advertisement purports to be or the agents of such per-son or persons.

126. Power of Commissioner in case of contravention. - If any advertisement is erected, exhibited or fixed, retained in contravention of the provisions of Sec-tion 123, the Commissioner may require the owner or occupier of the land, buildings, wall, boarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

127. Tax on building applications. - Every person who makes an application to the Commissioner for the sanction of a building plan shall pay along with the application tax at such rate as may, from time to time, be specified by the Govern-ment.

128. Levy of development tax. - The Corporation shall charge development tax on the increase in the value of the land or building comprised in a scheme put into operation within the City under Chapter XIX, but not actually required for the execution thereof.

129. Amount of development tax. - The development tax shall be an amount equal to one-half of the difference between the market value of the land or build-ing on the date specified in the notification issued under Section 131 and the market value of such land or building on or immediately before the date on which the scheme after sanction is finally notified under Chapter XIX :

Provided that for the purpose of calculation under this section the land shall be treated as free of all buildings.

130. Payment of development tax. - Every owner of land or building mentioned in Section 128 or any person, having an interest therein in respect of the increase in the value of such land or building shall in the manner hereinafter

pro-vided pay to the Corporation such development tax as may be assessed by the Commissioner.

131. Notice of completion of scheme. - The State Government shall, by notification in the Official Gazette, declare the date on which a scheme shall be deemed to have been completed.

132. Assessment of development tax. - (1) The Commissioner or an officer authorised by him in this behalf shall at any time after the publication of the notification under Section 131 assess the amount of development tax payable by the person concerned and shall give a notice in writing to such person stating the amount of the tax and the instalments, if any, and the dates on which the tax shall be paid together with such other particulars as may be necessary.

(2) Any person on whom a notice of assessment is served under sub-section (1) may, within one month from the date of service of such notice file an objection against such assessment before the Commissioner or an officer authorised by him in this behalf :

Provided that an objection may be entertained after the expiry of the period of one month if the Commissioner or an officer authorised by him under sub-section (1) is satisfied that the failure to file objection was due to any cause beyond the control of the objector.

(3) After an opportunity has been given to the objector of being heard, the Com-missioner or an officer authorised under sub-section (1) shall decide the objection and may then confirm, modify or cancel the assessment.

(4) If the person on whom a notice of assessment is served under sub-section (1) fails to file an objection under sub-section (2), the order of assessment shall be conclusive and shall not be questioned before any Court or Tribunal.

133. Supplementary taxation. - Whenever the Corporation decides to have re-course to supplementary taxation under sub-section (2) of Section 88 in any year, it shall do so by increasing any tax leviable under this Act by such rate and from such date as the Government may determine.

134. Time and manner of payment of taxes. - Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such num-ber of instalments and in such manner as may be determined by bye-laws made in this behalf.

135. Presentation of bill. - (1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof, a bill for the amount due :

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

(a) a tax on vehicles and animals ;

(b) a theatre-tax ; and

(c) a tax on advertisements.

(2) Every such bill which shall be in the prescribed form shall for the purposes of this Act, be considered a notice of demand shall specify the particulars of the tax and the period for which the charge is made.

(3) If the amount specified in the bill is paid within a period of fifteen days from the presentation thereof a rebate of five per cent shall be allowed in the amount of tax.

(4) If the tax on vehicles and animals or the theatre-tax or the tax on advertise-ments is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the prescribed form.

(5) For every notice of demand served under sub-section (4) a fee of such amount not exceeding five rupees as may be determined by bye-laws made in this behalf shall be payable by the person on whom the notice is served and shall be included in the costs of recovery.

136. Recovery from a person about to leave the City. - If the Commissioner has reason to believe that any person from whom any sum is due or is about to be-come due on account of any tax is about to move from the City, he may direct the

immediate payment by such person of the sum so due or about to become due and cause a notice of demand for the same to be served on such person.

137. Consequences of failure to pay tax within thirty days. - If the person li-able for the payment of any tax does not within thirty days from the service of the notice of demand under sub-section (2) or sub-section (4) of Section 135, or under Section 136, pay the same, the tax together with the costs of recovery shall be re-coverable in the manner provided hereinafter.

138. Manner of recovering tax. - Any sum due on account of tax payable un-der this Act may be recovered, together with costs of recovery, by the following processes, in the manner prescribed-

(1) by distraint and sale of a defaulter's movable property ;

(2) by the attachment and sale of a defaulter's immovable property ;

(3) in the case of octroi and toll, by the seizure and sale of goods and vehicles;

(4) in the case of taxes on lands and buildings by the attachment of rent due in respect of the property ; and

(5) by a suit.

139. Power of seizure of vehicles and animals in case of non-payment of tax thereon. - (1) If the tax on any vehicle or animal is not paid, then, instead of pro-ceeding against the defaulter by distress and sale of his other movable property, the Commissioner may, at any time after the tax has become due, seize and detain the vehicle or animal or both, and if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in the discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the sale proceeds un-der sub-section (1) shall, immediately after the sale of the property, be credited to the Corporation Fund and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same, claimed by written application to the Commissioner within one year from the date of the notice, a refund thereof shall be made to such person or his repre-sentative.

(3) Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

140. Demolition, etc., of building. - If any building is wholly or partly demol-ished or destroyed or otherwise deprived of value, the Commissioner may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit.

141. Remission or refund of tax. - (1) If any building together with land ap-purtenant thereto has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, two-thirds of such portion of the fire tax and the general tax assessed on the rate-able value thereof as may be proportionate to the number of days during which the said building together with the land appurtenant thereto has remained vacant and unproductive of rent.

(2) If any land, not being land appurtenant to a building, has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, one-half of such portion of the fire tax and the general tax assessed on the rateable value thereof, as may be proportionate to the number of days during which the said land has remained vacant and unpro-ductive of rent :

(3) If any land whether appurtenant to a building or not or any building has re-mained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, such portion of the water tax assessed on the rateable value thereof as may be proportionate to the number of days during which the said land or building has remained vacant and unproduc-tive of rent:

Provided that no remission or refund of the water tax shall be allowed unless an application in such form as may be prescribed by bye-laws made in this behalf has been made to the Commissioner to stop the supply of water to such land or building or unless the Commissioner is satisfied that having regard to the circumstances of any case such remission or refund should be allowed.

142. Power to require entry in assessment list of details of buildings. - (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Commissioner, at the time of the assessment of the building, to enter in the assessment list, in addition to the rateable value of the whole building, a note regarding any detail of the rate-able value of each separate tenement.

(2) When any tenement, the rateable value of which has been thus separately re-corded, has remained vacant and unproductive of rent for sixty or more

consecutive days, such portion of any tax assessed on the rateable value of the whole building shall be remitted or refunded as would have been remitted or re-funded if the tenements had been separately assessed.

143. Notice to be given of circumstances in which remission or refund is claimed. - No remission or refund under Section 141 or Section 142 shall be made unless notice in writing of the fact that the land, building or tenement has become vacant and unproductive of rent has been given to the Commissioner and no re-mission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice.

144. What buildings etc. are to be deemed vacant. - (1) For the purposes of Sections 141 and 142, no land, building or tenement shall be deemed vacant if

maintained as a pleasure resort or town or country house or be deemed unproduc-tive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving the facts entitling any person to claim relief under Section 140 or Section 141 or Section 142, shall be upon him.

145. Notice to be given of every occupation of vacant land or building. - The owner of any land, building or tenement in respect of which a remission or refund of tax has been given under Section 141 or Section 142 ; shall give notice of the re-occupation of such land, building or tenement within fifteen days of such re-oc-cupation.

146. Appeal against assessment, etc. - (1) An appeal against the levy or assessment of any tax under this Act shall lie to the Divisional Commissioner and every such appeal shall, subject to the provisions of this Act, be received, heard and disposed of within the local area of the City.

(2) If, before or on the hearing of an appeal under this section, any question of law or usage having the force of law or construction of a document arises, the Di-visional Commissioner on his own motion may, or on the application of any party to the appeal, shall, draw up a statement of the facts of the case, and the question so arising and refer the statement with his opinion on the question for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

(4) In every appeal, the costs shall be in the discretion of the appellate authority.

(5) Costs awarded under this section to the Corporation shall be recoverable by the Corporation as an arrear of tax due from the appellant.

(6) If the Corporation fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the appellate authority may order the Commissioner to pay the amount to the appellant.

147. Conditions of right to appeal. - No appeal shall be entertained under Sec-tion 146, unless-

(a) the appeal is, in the case of tax on lands and buildings, brought within thirty days next after the date of authentication of the assessment list under Sec-tion 101 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under Section 103, and in the case of any other tax, within thirty days next after the date of the receipt of the no-tice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of service of the first notice of de-mand in respect thereof :

Provided that an appeal may be admitted after the expiration of the period pre-scribed therefor by this section if the appellate satisfies the appellant

authority that he had sufficient cause for not preferring the appeal within that period ;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Corporation.

148. Finality of appellate orders. - The order of the appellate authority confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final :

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal within three months from the date of the order to correct any clerical error or any error apparent on the face of record.

149. Taxation not to be questioned except under this Act. - (1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other author-ity than is provided in this Act.

(2) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules thereunder.

150. Power to inspect for purposes of determining rateable value or tax. - (1) The Commissioner or any other person authorised by him in this behalf, may, without giving any previous notice, enter upon and make an inspection of -

(a) any land or building for the purpose of determining the rateable value of such land or building ;

(b) any stable, garage, or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;

(c) any place or premises which he has reason to believe are being used or are about to be used for any performance or show in respect of which the thea-tre tax is payable or would be payable ;

(d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and

description of vehicles and animals owned by or in the possession or under the control of such person ; and every person or servant of such person so summoned shall be bound to attend before the Commissioner and to give information to the best of his knowledge and belief as to the said matters.

151. Composition. - (1) Subject to the rules made in this behalf, the Commissioner may, with the previous sanction of the Corporation allow any person to compound for any tax for a period not exceeding one year at a time.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

152. Irrecoverable debts. - (1) The Commissioner may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in his opinion, irrecoverable :

Provided that no sum exceeding one hundred rupees shall be written off in fa-vour of any one person without the previous sanction of the Corporation.

(2) The Commissioner shall report to the Corporation every case in which any sum has been written off under sub-section (1).

153. Obligation to disclose liability. - (1) The Commissioner may, by written notice, call upon any inhabitant of the City to furnish such information as may be necessary for the purpose of ascertaining -

(a) whether such inhabitant is liable to pay any tax imposed by the Corporation under this Act.

(b) at what amount he should be assessed ; or

(c) The rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Commis-sioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

154. Power to amend list in certain cases. - (1) Notwithstanding anything contained in this Chapter, where the prescribed authority is satisfied that any prop-erty has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Corporation or any officer or employee of the Corpo-ration or of the assessee, it may, after giving to the assessee an opportunity of being heard and after making such enquiry as it may deem fit, pass an order amending the assessment already made and fixing the amount of tax payable for that property and on the issue of such an order the assessment list then in force shall, subject to the order, if any, passed in appeal, be deemed to have been amended accordingly with effect from first day of January, or first day of April, or first day of July, or first day of October next following the month in which the order is passed.

(2) Any person aggrieved by an order of the prescribed authority may, within a period of thirty days of the date of communication to him of the order, file an

ap-peal to the Government which shall decide the appeal after giving to the appellant an opportunity of being heard.

155. Immaterial error not to affect liability. - No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-

laws made thereunder have in substance and effect been complied with; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or oc-cupier thereof.

156. Power of exemption. - (1) The Corporation may, be resolution passed in this behalf, exempt either wholly or in part from the payment of any tax levied un-der this Act, any class of persons or any class of property or goods.

(2) The Corporation may also exempt, in whole or in part for any period not ex-ceeding one year from the payment of any tax, any person who by reason of poverty may in its opinion, be unable to pay the same, and may renew such ex-emption as often may be necessary.

157. Powers of Government in regard to taxes. - The Government may by or-der exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

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

CHAPTER IX

Borrowing

158. Power of Corporation to borrow. - The Corporation may, in pursuance of any resolution passed by it, borrow by way of debenture or otherwise on the se-curity of any immovable property vested in it or proposed to be acquired by it or of all or any of the taxes, rates, cesses, fees and charges authorised by or under this Act any sums of money which may be required-

(a) for acquiring any land which it has power to acquire ;

(b) for erecting any building which it has power to erect ;

(c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which it has power to execute, provide or

do, if the cost of carrying out the purpose in question ought to be spread over a term of years ;

(d) to pay off any debt due to the Government ;

(e) to repay a loan previously raised under this Act or any other Act previously in force ; or

(f) for any other purpose for which the Corporation is, by virtue of this Act or any other law for the time being in force, authorised to borrow:

Provided that -

(i) no loan shall be raised without the previous sanction of the Government or without previous publication of the application for sanction under the Local Authorities Loan Act, 1914, and the rules made thereunder ; and

(ii) the amount of loan, the rate of interest and the terms including the date of flotation, the time and method of the repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1), no portion of any sum of money borrowed for any of the purposes referred to in clause (c) of sub-section (1) shall be applied to the payment of salaries and allowances to any Corporation officers or other Corporation employees other than those exclusively employed in connection with the carrying out of that purpose.

159. Time for repayment of money borrowed under Section 158. - The time for the repayment of any money borrowed under section 158 shall in no case ex-ceed sixty years and the time for repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanc-tion of the Government, extent beyond the unexpired portion of the period for which such previous loan was sanctioned,

160. Form and effect of debentures. All debentures issued under this Chapter shall be in such form as the Corporation may, with the previous sanction of the Government, determine and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

161. Payment to survivors of joint payees. - When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in Section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivors of such per-son :

Provided that nothing in this section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

162. Receipt by joint holders for the interest or dividend. - When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectul receipt for any interest or dividend pay-able in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by the order of such persons.

163. Maintenance and investment of sinking funds. - (1) The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay every year into such sinking funds such sum as will be suf-ficient for the repayment within the period fixed for the loan of all moneys borrowed on the debentures issued

(2) All moneys paid into the sinking funds shall, as soon as possible, be invested

by the Commissioner in public securities and every such investment shall be re-ported by the Commissioner to the Corporation within fifteen days.

(3) All individends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested into manner laid down in sub-section (2).

(4) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

164. Application of sinking funds. - A sinking fund or any part thereof shall be applied in or towards the discharge of the loan or a part of the loan for which such fund was created, and until such loan or part is wholly discharged shall not be ap-plied for any other purpose.

165. Annual statement by Commissioner. - (1) The Commissioner shall, at the end of every year, submit to the Corporation a statement showing -

(a) the amount which has been invested during the year under section 163;

(b) the date of the last investment made previous to the submission of the state- ment ;

(c) the aggregate amount of the securities then in his hand ; and

(d) the aggregate amount which has up to the date of the statement been applied under Section 164, in or towards discharging loans.

(2) A copy of every such statement shall also be submitted to the Government.

166. Priority of payment for interest and repayment of loans over other payments - All payment due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

167. Attachment of Corporation Fund for recovery of money borrowed from Government. - (1) If any money borrowed or deemed to have been bor-rowed by the Corporation from the Government or any interest or costs due in respect thereof be not repaid according to the conditions of the loan, the Govern-ment may attach the Corporation Fund or any part thereof.

(2) After such attachment no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund ; but such officer may do all acts in respect thereof which any municipal authority, officer or other employee might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interests and costs due in re-spect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the fund was previously charged in accordance with law ; and all such prior charges shall be paid out of the proceeds of the fund before

any part of the proceeds is applied to the satisfaction of the debt due to the Government.

168. Power to make regulations. - The Corporation may make regulations to carry out the purposes of this Chapter including, in particular, the issue of dupli-

cate in case of loss of debentures by theft, destruction or otherwise, and renewal of debentures on payment of fees prescribed in this behalf by such regulations.

169. Property vested in Corporation and management of public institutions. - (1) Subject to any special reservation made or to any special conditions imposed by the Government, all property of the nature hereinafter in this section specified and situated within the City, shall vest in and be under the control of the Corporation, and with all other property, which vests in the Corporation by virtue of the provisions of this Act or any other law for the time being in force, shall be held and applied by it for the purposes of this Act, that is it say -

(a) all such public town walls, gates markets, stalls, slaughter houses, manure and night-soil depots and public buildings of every description as have been constructed or are maintained out of the Corporation Fund ;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, ma-terials and things connected therewith or appertaining, thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and all drains, and sewers, drains, culverts and water courses in or under any public street, or constructed by or for the Corporation alongside any public street, and all works materials and things appertaining thereto ;

(d) all public lamps, lamp-posts, and apparatus connected therewith or apper- taining thereto ;

(e) all land or other property transferred to the Corporation by the Government or acquired by gift, purchase or otherwise for public purchase or otherwise for public purposes ;

(f) all public streets, not being land owned by Government and the pavements, stones and other materials thereof, and also trees growing on and erections, materials, implements and things provided for, such streets.

(2) Where any immovable property is transferred otherwise than by sale by the Government to a Corporation for public purposes, it shall be deemed to be a con-dition of such transfer, unless specially provided to the contrary that should the property be at any time resumed by Government the compensation payable there-for, shall notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case exceed the amount, if any paid to the Government for the transfer, together with the cost or the present value whichever shall be less, of any buildings erected other works executed on the land by the Corporation.

(3) The Corporation shall maintain a register and a map of immovable property of which it is the proprietor or which vests in it, or which it holds in trust for the Government.

(4) The management, control and administration of every public institution maintained out of the Corporation Fund shall vest in the Corporation.

(5) When any public institution has been placed under the direction, management and control of the Corporation, all property, endowments and funds belonging thereto shall be held by the Corporation in trust for the purposes to

which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the Corporation in re-spect of any such institution may be prescribed by the Government :

Provided further that nothing in this section shall be held to prevent the vesting of any trust property in the treasurer of Charitable endowments under the Charitable Endowments Act, 1890.

CHAPTER X

Property and Contracts

170. Acquisition of immovable property by agreement. - Whenever the Cor-poration decides to acquire any immovable property, for the purpose of this Act, the Commissioner shall acquire such property on behalf of the Corporation by agreement on such terms and at such price as may be approved by the Corporation.

171. Procedure when immovable property cannot be acquired by agreement. - Whenever the Commissioner is unable to acquire any immovable property, under Section 170 by agreement, the Government may at the request of the Commissioner acquire the same under the provisions of the Land Acquisition Act, 1894, and on payment by the Corporation of the compensation awarded un-der that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Corporation.

172. Disposal of property. - With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely :-

(a) The Commissioner may -

(i) dispose of, by sale or otherwise, any movable property belonging to the Corporation the value of which does not exceed five thousand rupees;

(ii) grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation ; or

(iii) sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed five thousand rupees or the annual rent of which does not exceed three thousand ru-pees;

(b) in cases not covered by clause (a), the Commissioner may, with the sanction of the Corporation, lease, sell, let out on hire or otherwise transfer any property movable or immovable belonging to the Corporation;

(c) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immov-able property could be sold, leased or otherwise transferred in normal and fair competition ;

(d) the sanction of the Corporation under the aforesaid clauses may be given either generally for any class of cases or specially for any particular case;

(e) subject to any condition or limitation that may be specified by or under any

other provision of this Act, the foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made un-der, or for any purposes of this Act ;

(f) every case of disposal of property under clause (a) shall be reported by the Commissioner without delay to the Corporation.

173. Contracts by Corporation. - Subject to the provisions of Sections 174 and 175, the Corporation shall be competent to enter into and perform any contract necessary for the purposes of this Act.

174. Procedure for making contracts. - With respect to the making of contracts, the following provisions shall have effect, namely :-

(a) every such contract shall be made on behalf of the Corporation by the Com- missioner ;

(b) no much contract, for any purpose which in accordance with any provision of this Act the Commissioner may not carry out without the approval or sanction of the Corporation, shall be made by him until and unless such ap-proval or sanction has been duly obtained ;

(c) every contract involving an expenditure not exceeding twenty-five thousand rupees, or such higher amount as the Corporation may fix, may be made by the Commissioner ;

(d) no contract, other than a contract falling under clause (c) shall be valid un- less the same has been made with the prior approval of the Corporation.

175. Mode of executing contracts. - (1) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf.

(2) No contract which is not made in accordance with the provisions of this Act and the bye- laws made thereunder shall be binding on the Corporation.

CHAPTER XI

Accounts and Audit

176. Maintenance of accounts and scrutiny thereof by Examiner, Local Fund Accounts, Punjab and by Corporation. - (1) There shall be kept in such manner and in such form as may be prescribed by regulations accounts of receipts and expenditure of the Corporation.

(2) The Examiner, Local Fund Accounts, Punjab, shall conduct day to day examination and audit of the Corporation accounts and shall furnish a monthly report thereon to the Corporation who shall publish monthly an abstract of the re-ceipt and expenditure of the month last preceding, signed by the Mayor or in his absence by the Senior Deputy Mayor or in the absence of both by the Deputy Mayor and by the Examiner, Local Fund Accounts, Punjab.

(3) For the purpose of examination and audit of the Corporation accounts the Ex-aminer, Local Fund Accounts, Punjab shall have access to all the Corporation

accounts and to all records and correspondence relating thereto and the Commis-sioner shall forthwith furnish to the Examiner, Local Fund Accounts, Punjab, any explanation concerning any receipts or expenditure which they may call for.

177. Report by Examiner, Local Fund Accounts, Punjab. - The Examiner, Local Fund Accounts, Punjab shall-

(a) report to the Corporation any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the Corporation accounts;

(b) furnish to the Corporation such information as it may from time to time re- quire concerning the progress of the audit.

(2) On receipt of the report under sub-section (1) the Corporation shall take such action thereon as may be deemed necessary.

(3) As soon as may be after the commencement of each year the Examiner, Local Fund Accounts, Punjab, shall deliver to the Corporation, a report of the entire Cor-poration accounts for the previous year.

(4) The Commissioner shall cause the said report be the printed and shall for-ward as soon as may be a printed copy thereof to each councillor.

178. Action by Commissioner on the report. - (1) The Commissioner shall, as soon as may be, remedy defects or irregularities, if any, pointed out in the said re-port and shall also forward without delay to the Government so many copies of the said report as may be required by the Government with a brief statement of the ac-tion, if any, taken or proposed to be taken thereon.

(2) If there is a difference of opinion between the Examiner, local Fund Ac-counts, Punjab and the Commissioner or if the Commissioner does not remedy the defects or irregularities pointed out in the report within a reasonable period the Examiner shall refer the matter to the Government whose decision shall be final and binding.

179. Procedure to be followed by Examiner, Local Fund Accounts, Punjab.- (1) The Examiner, Local Fund Accounts, Punjab shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him.

(2) In the discharge of his functions under this section the Examiner, Local Fund Accounts, Punjab, shall-

(a) audit the accounts of expenditure of the Corporation and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(b) audit the accounts of debts, deposits, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The Examiner, Local Fund Accounts, Punjab shall examine and audit the statement of accounts relating to the commercial services conducted in any de-

partment of the Corporation, including the trading, manufacturing and profit and loss accounts, and the balance-sheets where such accounts are maintained under the orders of the Corporation, and shall certify and report upon these accounts.

(4) The Examiner, Local Fund Accounts, Punjab, shall, in consultation with the Commissioner and subject to any directions given by the Government, determine the form and manner to which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

180. Power of Examiner, Local Fund Accounts, Punjab to make queries, etc. and call for returns, etc. - (1) The Examiner, Local Fund Accounts, Punjab, may make such queries and observations in relation to and of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts, as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and re-turned without delay with the necessary vouchers, documents or explanations to the Examiner, Local Fund Accounts, Punjab.

(3) The powers of the Examiner, Local Funds Accounts, Punjab, with regard to the disapproval of, and the procedure with regard to the settlement of objections to the expenditure from the revenues of the Corporation shall be such as may be prescribed in consultation with the Examiner, Local Fund Accounts, Punjab and the Corporation.

(4) If the Examiner, Local Fund Accounts, Punjab, considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which those accounts originate he may require that those accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for in-spection.

(5) The Examiner, Local Fund Accounts, Punjab, shall have the power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for pre- venting disclosure of their contents.

(6) The examiner, Local Fund Accounts, Punjab, shall have authority to frame standing orders and to give directions on all matters relating to audit, and particu-larly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

CHAPTER XII

Water Supply, Drainage and Sewage Disposal

181. Definitions. - In this Chapter, unless the context otherwise requires, the fol-lowing words and expressions in relation to water supply shall have the respective meanings given below namely :-

78 Punjab Municipal Corporation Act, 1976, Section 182

(1) "communication pipe" means :-

(a) where the premises supplied with water abut 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 be-tween the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also -

(i) where the communication pipe ends at a stopcock, that 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 Corporation for the purpose of giving a gen-eral supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a 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 sub-ject but for the closing of some tap'

(4) "supply pipe" means so much of any service pipe as is not 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 an-other filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giv-ing or taking a supply of water in bulk;

(6) "water fitting" 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.

182. Power to require Corporation to carry out surveys and formulate proposals. - The Government may require the Corporation to -

(a) carry out a survey of the existing consumption of and demand for water supplies in the City and of the water resources in or available for the City;

(b) prepare an estimate of the future water supply requirements of the City;

(c) carry out a survey of the existing quantity of sewage disposed of and the manner in which it is disposed of;

(d) formulate proposals as to-

(i) the existing or future water supply requirements of the City;

(ii) the existing or future sewage disposal requirements in the City including proposals for the manner in which and the place or places at which such sewage should be carried, treated and disposed of.

183. Power to construct additional works. - If the Corporation is of opinion that the works and other properties for the time being vested in it for the purpose

of water supply, drainage and sewage disposal are inadequate for the purpose of sufficient supply of water or for the purpose of proper drainage and efficient dis-posal of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within or without the local limits of the Corporation and for the acquisition of additional properties for such works.

184. Functions in relation to water supply. - It shall be the duty of the Corporation to take steps from time to time-

(a) for ascertaining the sufficiency and wholesomeness of water supplies within the City;

(b) for providing a supply of wholesome water in pipes to every part of the City in which there are houses, for the 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 this clause shall not require the Corporation to do anything which is not practicable at a reasonable cost or to provide such supply to any part of the City where such a supply is already available at such point or points aforesaid;

(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of the City in which there are houses, for the do-mestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable dis-tance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether any-thing 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 them at a reasonable cost, or under clause (c) thereof as so to whether a public supply can be provided at a reasonable cost the Corporation shall determine that question and thereupon the Commissioner shall give effect to that determination.

185. Supply of water to connected premises. - (1) The Commissioner may, on application by the owner of any building, arrange for supplying water from the nearest main to such building for domestic purposes in such quantities as he deems reasonable, and may at any time limit the amount of water to be supplied whenever he considers necessary.

(2) No additional charge shall be payable in respect of such supply in any Cor-poration in which a water tax is levied, but for water supplied in excess of the quantity to which such supply is under sub-section (1) limited, and in any other Corporation for all water supplied under this section payment shall be made at such rate as may be fixed by the Government.

Explanation.-A supply of water for domestic purpose shall not be deemed to include a supply-

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire:

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths, or for any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation:

(e) for watering roads and paths;

(f) for building purposes.

186. Power to supply water for non-domestic purposes.-(1) The Commissioner may supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the bye-laws made thereunder as may be laid down in this behalf by the Corporation on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed.

(2) The Commissioner may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

187. Making connections with municipal water works. -(1) Where an appli-cation under section 185 or section 186 has been received, all necessary communication pipes and fitting shall be supplied by the Corporation and the work of laying and applying such communication pipes and fittings shall be exe-cuted by Corporation agency under the orders of the Commissioner; but the cost of making any such connection and of all communication pipes and fitting so sup-plied and of all works so executed, shall be paid by the owner or the person making such application. The Corporation may either provide a meter and charge rent for the same or may requite the owner or applicant to provide a meter of such size, ma-terial and description as it shall approve.

(2) Notwithstanding anything in sub-section (1), the Commissioner may require any owner or person applying for a supply of water to provide all communication pipes and fittings and to carry out at his own cost under his supervision and inspec-tion all the work of laying and applying such communication pipes and fitting.

188. Obligation of owner or occupier to give notice of waste of water:- Any owner or occupier of any building or land, in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used without permission in excess of the quantity fixed under section 185 or section 186, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give no-tice of the same to such officer as the Corporation may appoint in this behalf.

189. Cutting of supply to premises. - If any person whose premises are supplied with water, neglects to pay the water-tax or any sum payable, under section 185 or section 186 when due, or to give notice as provided in the last

preceding section or willfully or negligently misuses or causes waste of water, the corpora-tion may cut off the supply of water from the said premises.

190. New premises not to be occupied without arrangement for water sup-

ply. - It shall not be lawful for the owner of any premises which may be newly constructed or reconstructed within any portion of the City, in respect of which the Commissioner has given public notice under clause (b) of sub-section (1) of sec-tion 92 to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a rea-sonable distance of, the premises such supply of wholesome water as appears to the Commissioner to be adequate for the person who may occupy, or be employed in such premises for their domestic purposes.

191. Public gratuitous water supply. - (1) The Commissioner, with the ap-proval of the Corporation, may provide gratuitous supply of wholesome water to the public within the City and may, for that purpose, erect public hydrants or other conveniences.

(1) The Commissioner, may, with like approval, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

192. Power to lay mains. - (1) The Commissioner may lay a main whether within or without the local limits of the Corporation-

(a) in any street; and

forming part of a street, in, over or on that land,

and may, from time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

Provided that where a consent required for the purpose of this sub- section is withheld, the Commissioner may, after giving the owner or occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Commissioner, in exercise of the powers under this section lays a main in, over or on any land not

forming part of a street or inspects, repairs, al-ters, renews or removes a main so laid down in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reasons of the inspection, laying, repair, al-teration, renewal or removal of the main.

193. Power to lay service pipes etc. - (1) The Commissioner may, in any street, whether within or without the local limits of the Corporation, lay such service pipes with such stopcocks and other water fitting as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in a street whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over or on the land not

form-ing part of a street, the Commissioner may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitu-tion thereof but shall pay compensation for any damage done in the course of such action.

194. Provision of fire hydrants. - (1) The Commissioner shall 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 which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Commissioner may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business, situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time to renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade, premises or place of business.

(5) The Commissioner shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

195. Power of Corporation to require owners of premises to set up pumps, etc. - The owner of every premises connected with the municipal water works shall, when so required by the Commissioner, set up electric pumps or other con-trivances whereby water may be caused to reach to the top of the topmost storey of such premises.

196. Power to enter premises to detect waste or misuse of water. - The Com-missioner or any Corporation officer authorised by the Commissioner in writing may, between sunrise and sunset; enter any premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and the Commissioner or such officer shall not be refused admittance to the premises nor shall be obstructed by any person in making his examination.

197. Power to test water fittings. - The Commissioner may test any water fit-ting used in connection with water supplied by the Corporation.

198. Power to close or restrict use of water from polluted source of supply.- (1) If the Commissioner is of opinion that the water in or obtained from any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes, or for the preparation of food or drink for human consumption, or is likely to become so polluted as to be preju-dicial to health the Commissioner may after giving the

owner or occupier of the premises in which the source of supply is situated a reasonable opportunity of be-ing heard, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of

persons using the water or consuming food or drink prepared therewith or there-from.

(2) Before making any order under this section, the Commissioner may cause the water to be analysed at the cost of the Corporation.

(3) If the person to whom an order is made under this section fails to comply therewith, the Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be re-covered by him from the person in default as an arrear of tax under this Act.

199. Water pipes etc., not to be placed where water will be polluted. - (1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted: and no well or tank and except with the consent of the Commissioner, no cistern shall be constructed within six meters of a latrine or cesspool.

(2) No latrine or cesspool shall be constructed or made within six meters of any well, tank, water pipe or cistern or in any position where the pipe, well, tank or cis-tern is likely to be injured or the water therein polluted.

200. Joint and several liability of owners and occupiers for offence in rela-tion to water supply. - If any offence relating to water supply is committed under this Act on any premises connected with the municipal water works, the owner, the person primarily liable for the payment of the water tax, and the occupiers of the said premises shall be jointly and severely liable for such offence.

201. Public drains etc. to vest in Corporation. - (1) All public drains, all drains in, alongside or under any public street, and all sewage disposal works whether constructed out of the Corporation Fund or otherwise, and all works, material and things appertaining thereto, which are situated in the City shall vest in the Corpo-ration.

(2) All public and other drains which are vested in the Corporation are hereafter in this Act referred to as municipal drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintain-ing any such drain or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purposes shall be deemed also to vest in the Corporation.

(4) All drains and ventilation-shafts, pipes and all appliances and fittings con-nected with the drainage works constructed, erected or set up out of the Corporation Fund in or upon premises not belonging to the Corporation, whether-

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not, shall unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

202. Control of drains and sewage disposal works. - (1) All municipal drains

all sewage disposal works and works, materials and things appertaining thereto shall be under the control of the Commissioner.

(2) The Commissioner shall maintain and keep in repair all municipal drains and sewage disposal works and when authorised by the Corporation in this behalf, shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual drainage and sewage disposal.

203. Certain matters not to be passed into municipal drains. - (1) No person shall throw, empty, or turn into any municipal drain or into any drain communi-cating with a municipal drain-

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its con-tents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade being refuse or steam which or a liquid which when so heated, is either alone or in combination with the contents of the drain, dangerous or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934.

204. Application by owners and occupiers to drain into municipal drains. -(1) Subject to such conditions as may be prescribed by bye-laws made in this be-half, the owner or occupier of any premises having a private drain, or the owner of any private drain within the City may apply to the Commissioner to have his drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that noting in this sub-section shall entitle any person-

(a) to discharge directly or indirectly into any municipal drain-

(i) any trade effluent from any trade premises except in accordance with bye- laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act or any other law; or

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly-

(i) foul water into a drain provided for surface water; or

(ii) except with the permission of the Commissioner, surface water into drain provided for foul water; or

(c) to have his drains made to communicate directly with a storm- water over- flow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Commissioner notice of his proposals, and at any time within one month after receipt thereof, the Commissioner may by notice to him refuse to per-mit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communica-

tion would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Commissioner may, if he thinks fit, construct such part of the work nec-essary for having a private drain made to communicate with a municipal drain as is in or under a public street and in such a case, the expenses incurred by the Com-missioner shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

205. Drainage of un-drained premises. - (1) Where any premises are in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place approved by the Commissioner for the discharge of fifth and other polluted and obnoxious matter is situated at a distance of not ex-ceeding thirty metres from any part of the said premises, he may, by written notice, require the owner of the said premises-

(a) to make a drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a close drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing ap-pliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide a set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed and conveying the same through spouts, by down take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is in- adequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are in the opinion of the Commissioner, without sufficient means of effectual drainage he may, by written notice, require the owner of the premises-

(a) to construct a drain upto a point to be prescribed in such notice but not at a distance of more than thirty metres from any part of the premises; or

(b) to construct a close cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

86 Punjab Municipal Corporation Act, 1976, Section 206

206. New premises not to be erected without drainage. - It shall not be lawful to erect or to re-erect any premises in the City or to occupy any such premises un-less-

(a) a drain be constructed of such size, materials, and descriptions at such level and with such fall as shall appear to the Commissioner 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 Commissioner to be necessary for the pur-poses of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effec-tually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a municipal drain situated at a dis-tance of not exceeding thirty metres from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Commissioner for the purpose.

207. Power to drain group or block of premises by combined operation. - (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a municipal drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Commis-sioner may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in re-spect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Commissioner may determine and shall be re-coverable from them as an arrear of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Commis-sioner shall give to each such owner-

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the pro- portion of such expenses payable by him.

(4) The Commissioner may require the owners of such group or block of prem-ises to maintain the work executed under this section

208. Power of Commissioner to close or limit the use of private drain in cer-tain cases. - Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjec-tionable but is not in the opinion of the Commissioner, adapted to the general system of drainage in the City, he may, by written notice addressed to the owner of the premises, direct-

(a) that such drain be closed, discontinued or destroyed and that any work nec- essary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this

behalf, be used for filth and polluted water only or for rain water and unpolluted sub-oil water only:

Provided that-

(i) no drain may be closed, discontinued or destroyed by the Commissioner un-der clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) The expenses of the construction of any drain so provided by the Corpora-tion and of any work done under clause (a) may be paid out of the Corpo-ration Fund.

209. Use of drain by a person other than owner. - (1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of opinion that the only or the most convenient means of effectual drainage of the premises into a municipal drain is through a drain belonging to an-other person, the Commissioner may, by notice in writing, require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown ap-pears to the Commissioner invalid or insufficient, the Commissioner may, by order in writing, either authorise the owner of the premises to use the drain or de-clare him to be joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to-

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situated with assistants and workmen at all reasonable hours; and

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

210. Sewage and rain water drains to be distinct. - Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent for the Commissioner to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

211. Powers of Commissioner to require owner to carry out certain works for satisfactory drainage. - For the purpose of efficient drainage of any premises, the Commissioner may by notice in writing-

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings, with such materials and in such manner as may be approved by the Commissioner, and

(b) require such paving to be kept in proper repair.

212. Appointment of places for the emptying of drains and disposal of sew-age. - The Commissioner may cause any or all of the municipal drains to empty into, and all sewage to be disposed of at such place or places as he consider suit-able:

Provided that no place which has been not before the commencement of this Act used for any of the purposes specified in this section shall after such commencement be used therefor without the approval of the Corporation:

Provided further that on and after such date as may be appointed by the Government in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to effect prejudicially the purity and quality of the water into which it is discharged.

213. Connection with waterworks and drains not to be made without permission. - Without the written permission of Commissioner, no person shall for any purpose whatsoever, at any time make or cause to be made any connection or communication with any drain referred to in section 202 or any water-works, con-structed or maintained by, or vested in the Corporation.

214. Buildings, railways and private streets not to be erected or constructed over drains or water-works without permission. - (1) Without the written per-mission of the Commissioner no railway or private street shall be constructed and no building, wall, fence or other structure shall be erected on any municipal drain or on any water-works constructed or maintained by, or vested in, the Corpora-tion.

(2) If any railway or private street be constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written per-mission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Commissioner in so doing 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, the railway administration or the person offending and shall be recoverable as an arrear of tax under this Act.

215. Rights of user of property for aqueducts, lines etc. - (1) The Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the City, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lives of mains or pipes, or drains, after giving a reasonable notice of his intention so to do, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed:

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, con-duit or line of mains or pipes, or drain is placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Government or under the control, or management

of the Government or railway administration or vested in any local authority save

with the permission of the Government or railway administration or the local authority as the case may be, and in accordance with any bye-law made in this be-half:

Provided that the Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Commissioner shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

216. Power of owner of premises to place pipes and drains through land be-longing to other persons. (1) If it appears to the Commissioner that the only or most convenient means of water-supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to place on carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this be-half as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order under sub-section (1) the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the im-movable 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 or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall -

(a) cause the pipe or drain to be placed or carried with the least practicable de- lay;

(b) fill in, reinstate and make at his own cost and with the least practicable de-lay, any 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 the 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 the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immov-able property was not built upon desires to erect any building on such property, the Commissioner 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 the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same :

Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the pro-posed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

217. Railway administration to be informed in certain cases. - If the Corporation desires to place or carry any pipe or drain or do any other work connected with the water-supply or drainage across any railway line it shall inform the rail-way administration who may execute the same at the cost of the Corporation.

218. Power of Commissioner to execute work after giving notice to the per-son liable. - (1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Commissioner may, in accordance with the provisions of this Act and of any bye- laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conven-iences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable thereof as an arrear of tax under this Act.

219. Power of Commissioner to affix shafts etc., for ventilation of drain or, cesspool. - For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

220. Power of Commissioner to examine and test drain etc., believed to be defective. - (1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a municipal drain is so defective as to admit sub-soil water; he may examine its condition and for that purposes may

apply any test other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in proper condition, the Commissioner shall as soon as possible reinstate any ground which has been opened by him and make good any damage done by him.

221. Employment of Government agencies for repairs, etc. - The Government may, for reasons to be recorded, direct that any specified work, repair,

renewal or replacement which is to be undertaken by or for the Corporation under this Chapter, shall be carried out on behalf of the Corporation by the Government and the Corporation shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by the Gov-ernment on behalf of a local authority.

222. Work to be done by licensed plumber. - (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Commissioner, the work is of a trival na-ture, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employees a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Commissioner without prejudice to the right of the Corporation to prosecute un-der this Act the person at whose instance such work has been executed.

(4) The Corporation may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Corporation.

(5) The Corporation may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5) demand or receive more than the charges prescribed therefor, under that sub-section.

(7) The Corporation shall make bye-laws providing for -

(a) the exercise of adequate control on all licensed plumbers ;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

223. Prohibition of certain acts. - (1) No person shall -

(b) wilfully obstruct any person acting, under the authority of the Corporation or the Commissioner, in setting out the lines of any works or pull up or re-move any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or oth-erwise interfere with any lock, cock, value, pipe, meter or other work or ap-paratus belonging to the Corporation ; or

(c) unlawfully obstruct the flow of, or flush draw off, or divert, or take water from any water-works belonging to the Corporation or any water course by which any such water work is supplied ; or

(d) unlawfully obstruct the flow of, or flush, draw off, divert or take sewage from any sewage work belonging to the Corporation or break or damage any electrical transmission line maintained by the Corporation; or

(e) obstruct any officer or other employee of the Corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, exami-nation or inquiry thereunder in relation to any water or sewage work ; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt, filth into any water- work or wash or clean therein any cloth, wool or leather or the skin of any ani-mal, or cause the water of any sink or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water- work, or do any other act whereby the water in any water-work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) 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.

CHAPTER XIII

Streets

224. Vesting of public streets in Corporation. - All streets within the City which are or at any time become public streets and the pavements, stones and other materials thereof shall vest in the Corporation.

(2) All public streets vesting in the Corporation shall be under the control of the Commissioner and shall be maintained, controlled and regulated by him in ac-cordance with the bye-laws made in this behalf.

225. Functions of Commissioner in respect of public streets. - (1) The Com-missioner shall, from time to time, cause all public streets vested in the Corporation to be levelled, matalled or paved, channelled, 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 keep in repair fences and posts for the safety of foot-passengers :

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be un-dertaken by the Commissioner except with the previous sanction of the Corporation.

(2) With the previous sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street :

Provided that before according such sanction the Corporation shall by notice published in the manner specified by bye-laws give reasonable opportunity to the residents likely to be affected by such closure to make sugges-tions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice.

226. Disposal of land forming site of public streets permanently closed. - Wnever any public street or a part thereof is permanently closed under sub- section (2) of section 225 the site of such street or of the portion thereof may be disposed of as land vesting in the Corporation.

227. Power to make new public streets. - The Commissioner may, at any time with the previous sanction of the Corporation,-

(a) lay out and make new public streets ;

(b) construct bridges and sub-ways ;

(c) turn or divert any existing public street ; and

(d) lay down and determine the position and direction of a street or streets in any part of the City notwithstanding that no proposal for the erection of any building in the vicinity has been received.

228. Minimum width of new public streets. - The Commissioner shall, from time to time, with the sanction of the Corporation, specify the minimum width of different classes of new public streets according to the nature of the traffic likely to be carried thereon and the streets with which they join at one or both ends, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

229. Power to prohibit use of public streets for certain kinds of traffic.

(1) The Commissioner may-

(a) prohibit 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 all public streets or any particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be likely to cause injury to the roadways or any construction thereon, except under such conditions as to time, mode of traction or locomotion use of appliances for the protection of roadways number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Commis-sioner generally or specially in each case ;

(c) prohibit access to premises from any particular public street carrying high speed vehicular traffic :

Provided that the Commissioner shall not take action without the sanction of the Corporation in cases under clauses (a) and (c).

(2) Notices of such prohibition as are imposed under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets.

230. Power to acquire land and buildings for public streets and for public parking places. - Subject to the provisions contained in Chapter X, the Commis-sioner may-

(a) acquire any land required for the purpose of opening, widening extending or otherwise improving any public street or of making any new public street and any building standing upon such land ;

(b) acquire in relation to any such land or building, all such land with buildings, if any, thereon as the Corporation may think expedient to acquire outside the regular line, or the intended regular line, of such street ; or

(c) acquire any land for the purpose of laying out or making a public parking place.

231. Defining the regular line of streets. - The Commissioner may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Corporation re-define at any time any such regular line :

Provided that, before according sanction the Corporation shall by public notice afford reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the pro-posed re-defined line of the street and shall consider all suggestions or ob-jections which may be made within one month from the date of the publication of the said notice :

Provided further that the regular line of any public street operative under any law in force in any part of the City immediately before the commencement of this Act, shall be deemed to be a line defined by the Commissioner un-der this sub-section.

(2) The line for the time being defined or re-defined shall be called the regular line of 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 except with the written permission of the Commissioner :

Provided that if within sixty days after the receipt of application from any per-son for permission to construct or reconstruct a boundary wall or a portion thereof the Commissioner fails to take steps to acquire the land within the regular line of the street in accordance with Section 234, then that person may, subject to any other provisions of this Act and the bye-laws made thereunder, proceed with the work of construction or reconstruction of such boundary wall or portion thereof.

(4) When the Commissioner grants permission for the construction or recon-struction of any building or any boundary wall or other structure within the regular

line of a street, he may require the owner of the building to execute an agreement binding himself and his sucessors- in-interest not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner and may for that purpose require such owner to deposit in the Corporation Fund such sum as may be determined by him.

(5) The Commissioner shall maintain-

(a) a register containing such particulars as may be specified by him in this be-half with plans attached thereto showing all public streets in respect of which the regular line of the streets has been defined or re- defined and containing any other particulars which the Commissioner may deem nec-essary;

(b) a register of all agreements executed under sub-section (4) and of all depos- its made thereunder.

(6) All such registers shall be open to inspection by any person on payment of such fee as may be specified by the Commissioner with the sanction of the Cor-poration.

(7) Any agreement entered into in pursuance of sub-section (4) shall be in writ-ing, shall be registered under the Registration Act, 1908, and shall be deemed to be an agreement in respect of the land to which it relates and any condition con-tained in such agreement shall be deemed to be an obligation annexed to the ownership of the said land and enforceable against the successors-in-interest of the owner of such land.

232. Setting back building to regular line of street. - (1) If any part of a build-ing abutting on a public street is within the regular line of that street, the Commissioner may, whenever it is proposed-

(a) to repair, rebuild or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level such half to be measured in cubic meters ; 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 any order which he issues concerning the additions to, rebuilding, construc-tion, repair or alterations of, such building require such building to be set back to the regular line of the 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 the order of the Commissioner or otherwise, taken down, the Commissioner may forthwith, take possession on behalf of the Corporation of the portion of the land within the regular line of the street therefore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

233. Compulsory setting back of building to regular line of street. - (1)

Where any building or any part thereof is within the regular line of a public street and in the opinion of the Commissioner it is necessary to set back the building or part thereof to the regular line of the street he may, by notice served on the owner 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 the street should not be pulled down and the land within the regular line acquired by the Commissioner on behalf of the Corporation.

(2) If such owner fails to show cause as required by the sub-section (1), the Commissioner may with the approval of the Corporation, require the owner by an-other notice to be served on him in accordance with the provisions of this Act, to pull down the building or part thereof which is within the regular line of the street within such period as is specified in the notice.

(3) If within such period the owner of the building fails to pull down the build-ing or part thereof as required by the Commissioner, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner and be recoverable from him as an arrear of tax under this Act.

(4) The Commissioner shall at once take possession on behalf of the Corpora-tion of the portion of the land within the regular line of the street occupied by the said building or part thereof and such land shall thereupon be deemed to be a part of the public street and shall vest in the Corporation.

234. Acquisition of open land and land occupied by platforms, etc., within the regular line of street. - If any land, whether open or enclosed, not vesting in the Corporation and not occupied by any building is within the regular line of a public street or if a platform, verandah, step, compound wall, hedge, or fence or some other structural external to a building abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street the Commissioner may, after giving to the owner of the land or building not less than seven clear days, notice of his intention so to do, take possession on behalf of the Corporation of the said land with its en-closing wall, hedge or fence, if any, or of the said platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street, and, if necessary, clear the same and the land so acquired shall thereupon shall be deemed to be a part of public street shall vest in the Corporation.

Provided that where the land or building is vested in the Government or the Central Government, the Commissioner shall not take possession thereof without the previous sanction of the Government or the Central Govern-ment, as the case may be.

235. Acquisition of remaining part of building and land after their portions within regular line of street have been acquired. - (1) Where a land or building is partly within the regular line of a public street and the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land

within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting for-ward a building under Section 236.

236. Setting forward of buildings to regular line of street. - The Commis-sioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the sanction of the Corporation, by notice require any building to be so 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 a suf-ficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

237. Compensation to be paid in certain cases of setting back or setting for-ward of buildings, etc. - (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under the provi-sions of Sections 232, 233 and 234 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense in-curred by such owner in consequence of any order made by the Commissioner:

Provided that-

(a) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the setting back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such com-pensation;

(b) if any such increase in the value exceeds the amount of loss sustained or expenses incurred by the owner, the Commissioner may recover from him half the amount of such excess as a betterment charge.

(2) If, in consequence of any order to set forward a building made by the Com-missioner, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the setting forward.

(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 a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land and, the price so paid to the Corporation by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or per-mission.

(4) If, when the Commissioner requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corpo-ration or with any of the terms or conditions of conveyance, the Commissioner shall, upon the application of the owner at any time within

fifteen days after the said terms and conditions are communicated to him, refer the case for the deter-mination of the court of the District Judge whose decision thereon shall be final.

98 Punjab Municipal Corporation Act, 1976, Section 238

238. Owners' obligation when dealing with land as building sites. - If the owner of any land utilises, sells, leases out or otherwise disposes of such land for the construction of buildings thereon, he shall lay down and make a street or streets giving access to the plots into which the land may be divided and connect-ing with an existing public or private street.

239. Layout plans. - (1) Before utilising, selling or otherwise dealing with any land under Section 238, the owner thereof shall send to the Commissioner a writ-ten application with a lay-out plan of the land showing the following particulars, namely:-

(a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;

(b) the reservation or allotment of any site for any street, open space, park, rec-reation ground, school, market or any other public purpose;

(c) the intended level direction and width of street or streets;

(d) the regular line of street or streets; and

(e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining conserving and lighting street or streets.

(2) The provisions of this Act and the bye-laws made thereunder as to width of the public streets and the height of buildings abutting thereon shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Corporation.

(3) Within sixty days after the receipt of any application under sub-section (1) the Corporation shall either accord sanction to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction shall be refused-

(a) if the particulars shown in the lay out plan would conflict with any arrange-ments which have been made or which are in the opinion of the Corpora-tion likely to be made for carrying out any general scheme of development of the City whether contained in the master plan or a zonal development plan prepared for the City or not; or

(b) if the said lay-out plan does not conform to the provisions of this Act and bye- laws made thereunder; or

(c) if any street proposed in the plan is not designed so as to connect at one end with a street which is already open.

(5) No person shall utilise, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Corporation and if further information is asked for, no step shall be taken to utilise, sell or otherwise deal with the land or to lay-out or make the street until or-ders have been passed upon receipt of such information:

Provided that the passing of such order shall not be in any case delayed for more than sixty days after the Corporation has received the information which it considers necessary to enable it to deal with the said application.

(6) The lay-out plan referred to earlier in this section shall, if so required by the Corporation, be prepared by a licensed town planner.

240. Alteration or demolition of street made in breach of Section 239. - (1) If any person lays out or makes any street referred to in Section 239 without or oth-erwise than in conformity with the orders of the Corporation, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice-

(a) require the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Com-missioner or if such alteration be impracticable why such street should not be demolished; or

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent or on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the sat-isfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

(3) Nothing in Sections 238, 239 and this section shall apply to any land to which the provisions of the Punjab Regulation of Colonies Act, 1975, apply.

241. Power of Commissioner to order work to be carried out or to carry it out himself in default. - (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be de-termined by the Commissioner and shall be recoverable from them as an arrear of tax under this Act.

242. Declaration of public streets. - (1) If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of Section 241, the Commissioner may, and on the requisition of the majority of the owners referred to in sub- section (1) of that section shall declare such a street to be a public street and thereupon the street shall vest in the Corpo-ration.

(2) The Commissioner may at any time, by notice fixed up in any street or part thereof not maintainable by the Corporation, give intimation of his intention to de-clare the same a public street, and unless within one month next

after such notice has been so put up, the owner or any one of the several owners of such street or such part of a street lodge objection thereto at the Corporation office, the Commis-

sioner may, by notice in writing, put up in such street or such part, declare the same to be a public street vested in the Corporation.

243. Prohibition of projection upon streets, etc. - (1) Except as provided in Section 244, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will-

(a) overhang, jut or project into, or [1]

(b) jut or project into [2][-] any drain or open channel in any streets so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleanising thereof.

(2) The Commissioner may by notice require the owner or occupier of any premises to remove or to take such other action as he may direct in relation to any structure or fixture which has been erected, set up, added to, or placed against, or in front of the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice.

244. Projections over streets may be permitted in certain cases. - (1) The Commissioner may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building on any street-

(a) to erect an arcade over such street or any portion thereof ; or

(b) to put up a verandah, balcony, arch, connecting passage, sunshade, weather frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof :

Provided that no permission shall be given by the Commissioner for the erec-tion of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Corporation.

(2) The Commissioner may at any time by notice require the owner of occupier of any building to remove a verandah, balcony, sunshade, weather frame or the like put up in accordance with the provisions of any law and such owner or occu-pier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

245. Ground floor door, etc., not to open outwards on streets. - The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar or window opens outwards upon a street or upon any land required for the improvement of a street in such manner as in the opinion of the Commissioner is likely to obstruct the safe or convenient passage

1.The words in any way encroach upon and’shall be omitted vide Punjab Act No. 7 of 1995.

2.The words or encroach upon'shall be omitted vide Punjab Act No. 7 of 1995.

of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

246. Prohibition of structures, fixtures or deposit of things in streets. - (1) No person shall, except with the permission of the Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain well or tank in any street so as to form an obstruction to, or an encroachment upon, or projec-tion over, or to occupy any portion of such street, channel, drain, well or tank.

(2) No person shall, except with the permission of the Commissioner and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an ob-struction thereto or encroachment thereon.

(3) Nothing in sub-section (1) shall apply to any erection or thing to which clause (c) of sub-section (1) of Section 251 applies and nothing in sub- section (2) shall apply to building materials.

1**[246-A. Prohibition of encroachment upon land, premises or public place.**- (1) No person shall, in way encroach upon any land, premises or public place, not being private property, whether such land, premises or public place belongs to or vests in a Corporation or not, by raising a temporary or permanent structure thereon or by occupation thereon, in any manner.

Explanation. - Parking of Rehri temporarily or setting up steps for providing passage to the houses and shops in a street or a drain, channel, well or tank passing through or by the side of land, premises or public place shall not be construed en-croachment within the meaning of this section.

(2) The Commissioner or any officer authorised by him in this behalf shall have power to remove any encroachment within the meaning of sub-section (1), and the expenses of such removal shall be paid by the person who has caused the said en-croachment.

(3) Notwithstanding anything contained in the foregoing provisions of this sec-tion the Commissioner or the officer authorised by him in this behalf shall, in addition to any other action which may be taken under this section, also have power to seize or attach any property found on the land, premises or public place referred to in this section, or as the case may be, attached to or permanently fas-tened to anything attached to such land, premises or public place.

(4) Where any property is seized or attached in terms of sub-section (3) by an officer authorised by the Commissioner, he shall immediately make a report of such seizure or attachment to the Commissioner.

(5) The Commissioner may make such orders as he may think fit for the proper custody of the property seized or attached, pending the conclusion of confiscation

1.Added vide Punjab Act No. 7 of 1995.

proceedings and if, the property is subject to speedy and natural decay, or it is oth-erwise expedient so to do, the Commissioner may order it to be sold or otherwise disposed of.

(6) Where any such property is sold as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereto, shall -

(a) Where no order of confiscation is passed by the Corporation under sub-section (7); or

(b) Where an order passed in appeal under sub-section (11) so requires, be paid to the owner thereof or the person from whom it is seized.

(7) Where any property is seized or attached under sub section (3), the Corpo-ration may, subject to the provisions of sub-section (8), order confiscation of such property.

(8) No order for confiscating property under sub-section (7) shall be made un-less the owner of such property or the person from whom it is seized or attached is give,-

(i) a notice, in writing, informing him of the grounds on which it is proposed to confiscate the property;

(ii) an opportunity of making a representation, in writing, within such reason-able time as may be specified in the notice against the grounds of confis-cation; and

(iii) a reasonable opportunity of being heard in the matter.

(9) The order of any confiscation made under sub-section (7) shall not prevent the infliction of any punishment to which the person affected thereby is liable un-der this Act.

(10) Any person aggrieved by such confiscation order may, within one month from the date of the communication to him of such order, appeal against it to the District Judge of the District in which such property is seized or attached.

(11) On such appeal, the District Judge may, after giving an opportunity to the appellant and the respondent to be heard direct the order to be stayed pending dis-posal of the appeal, or may modify, alter or annual the order and make any further order that he may think proper in the matter.

(12) Subject to the provisions of sub-section (5), whenever any property is seized or attached pending confiscation under sub-section (7), the Corporation or the District Judge shall have, and notwithstanding anything to contrary contained in any other law for the time being in force, and any other court, tribunal or other authority shall not have jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(13) Where a person is prosecuted of an offence for the contravention of the pro-visions of sub-section (1) under this Act, the burden of proving that he has not committed the said offence shall be on such person.

(14) An employee of the Corporation shall not permit anybody to encroach upon or abet to encroach upon any property specified in sub-section (1)

(15) No court shall take cognizance of an offence of the contravention of the

provisions of sub-section (14) except with the previous sanction of the Corporation.

(16) No investigation of an offence for contravention of the provisions of sub-section (1) or sub section (14), as the case may be, shall be made by an officer below the rank of a Deputy Superintendent of Police.]

247. Special provision regarding streets belonging to Government. - Notwithstanding anything contained in Sections 236, 243 or 244 or in clause (5) of Part 'C' of Section 399 and subject to any general or special order that the Government may make in this behalf, if any street is vested in the Government-

(a) The Commissioner shall not, in respect of such street grant permission to do any act the doing of which without his written permission would contravene the provisions of Section 243 or Section 244 or allow any building to be set forward under the provision of Section 236 except with the sanc-tion of the Government which may be given in respect of a class of cases generally or in respect of a particular case.

(b) The Commissioner shall, if so required by the Government exercise the power conferred upon him by Sections 232, 243 or 244 or clause (5) of Part C of Section 399 or any bye-law made in exercise of the power conferred by the aforesaid clause (5) in respect of any encroachment or overhanging structure on or over such street or any materials, goods or articles of mer-chandise deposited on such street.

248. Power to remove anything deposited or exposed for sale in contraven-tion of this Act. - The Commisssioner may, without notice, cause to be removed-

(a) any stall, chair, bench box, ladder, bale or other thing whatsoever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act ;

(b) any article whatsoever hawked or exposed for sale on any public street or in any other public place in contravention of this Act any vehicle, package, box or any other thing in or on which such article is placed.

249. Prohibition of tethering of animals and milking of cattle. - (1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street.

(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Commissioner or any Corporation Officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871.

250. Precautions during repair of streets. - (1) The Commissioner shall, so far as, is praticable during the construction or repair of any public street, or any mu-nicipal drain or any premises vested in the Corporation -

(a) cause the same to be fenced and guarded ;

(b) take proper precautions against accident by shorting up and protecting the adjoining buildings ;

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night which under construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in the said street, drain or premises to be re-paired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Commissioner or other lawful authority, remove any bar, chain, post or shoring, timber, or remove or extinguish any light set up under this section.

251. Streets not to be opened or broken up and building materials not to be deposited thereon without permission. - (1) No person other than the Commis-sioner or a Corporation Officer or other Corporation employee shall, without the written permission of the Commissioner -

(a) open, break up, displace, take up or make any alteration in, or cause any in-jury to the soil or pavement or any wall, fence, post, chain or other material or thing

forming part of any street ; or

(b) deposit any building material in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rolls, boards or other things by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty-four hours notice of such termination to the person to whom such permis-sion was granted.

(3) The Commissioner may, without notice, cause to be removed any of the things referred to in clause (b) or clause (c) of sub-section (1) which has been de-posited or set up in any street without the permission specified in that sub-section or which having been deposited or set up with such permission has not been re-moved within the period specified in the notice issued under sub-section (2) :

Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be prescribed by the Commissioner in this behalf but no reply has been sent to the applicant within seven days from the date of the application.

252. Disposal of things removed under this chapter. - (1) Any of the things caused to be removed by the Commissioner under this chapter shall unless the owner thereof turns up to take back such things and pays to the Commissioner the charges for the removal and storage of such things, be disposed of by the Commis-sioner by public auction or in such other manner and within such time as the Commissioner thinks fit.

(2) The charges for removal and storage of the things sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any shall be paid to the owner of the things sold on a claim being made therefor within a pe-riod of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the Corporation.

253. Naming and numbering of streets. - (1) The Commissioner may -

(a) with the sanction of the Corporation, determine the name or number by which any street or public place vested in the Corporation 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 street or on some con-venient part of such street, the name or number by which it is to be known;

(c) cause to be put up or painted on boards of suitable size the name of any pub- lic place vested in the Corporation ;

(d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove deface or in any way injure or alter such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Commissioner.

254. Commissioner to take steps for repairing or enclosing dangerous places. - (1) If any place is, in the opinion of the Commissioner, for want of suf-ficient repair or protection or enclosure, or owing to some work being carried on thereupon, dangerous or causing inconvenience to passengers along a street or to other persons including the owner or occupier of the said place, who have legal ac-cess thereto or to the neighbourhood thereof, the Commissioner may by notice in writing require the owner or occupier of such place to repair, protect or enclose the same or take such other steps as shall appear to the Commissioner necessary in or-der to prevent the danger or inconvenience arising thereform.

(2) The Commissioner may before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent the danger or inconvenience arising therefrom; and any expense incurred by the Commissioner in taking such temporary measures shall be recoverable from the owner or occupier of the place as an arrear of tax under this Act.

255. Measures for lighting. - The Commissioner shall -

(a) take measures for lighting in a suitable manner all such public streets and public places as may be specified by the Corporation ;

(b) procure, erect and maintain such number of lamps, lamp posts and other ap- purtenances as may be necessary for the said purpose ;

(c) cause such lamps to be lighted by means of oil, electricity or such other light as the Corporation may determine.

256. Prohibition of removal, etc. of lamps. (1) No person shall, without lawful authority, take away wilfully, negligently break or throw down or damage-

(a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place ;

(b) any electric wire for lighting such lamp ;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carry- ing, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of re-pairing the damage so done by him.

CHAPTER XIV

Building Regulations

257. Definitions. - In this chapter, unless the context otherwise requires, the ex-pression "to erect a building" means -

(a) to erect a new building on any site whether previously built upon or not;

(b) to re-erect -

(i) any building of which more than one half of the cubical contents above the level of the 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 the plinth has been pulled down; or

(iii) any frame building of which more than half of the number of the 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 constructed for human habitation or, if originally so constructed, 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 sacred buildings any place or building not originally constructed for such purpose ;

(f) to roof or cover an open space between walls or building to the extent of the structure which is formed by the roofing or covering of such space ;

(g) to convert two or more tenements in a building into a greater or lesser num- ber;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change ;

(i) to convert a building which when originally constructed was legally exempt

for the operation of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected into 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 dis-continued as or appropriated for any purpose other than a dwelling house.

258. Prohibition of building without sanction. - No person shall erect or com-mence to erect any building, or execute any of the works specified in section 260 except with the previous sanction of the Commissioner, nor otherwise than in ac-cordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

259. Erection of building. - (1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commis-sioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans may be so prescribed.

260. Applications for additions to, or repairs of buildings. - (1) Every person who intends to execute any of the following works, that is to say -

(a) to make any addition to a building ;

(b) to make any alteration or repairs to a building involving the removal or re-erection or in any external or partly was thereof or of any wall which sup-ports the roof thereof to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial metres ;

(c) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one half of the posts in any such wall thereof as aforesaid or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial metres ;

(d) to make any alteration in a building involving - (i) the sub- division of any room in such building so as to convert the same into two or more separate rooms; or

(ii) the conversion of any passage or space in such building into a room or rooms;

(e) to repair, remove, construct, re-construct, or make any addition to or struc-tural alteration in any portion or building abutting on a street which stands within the regular line of such street ;

(f) to close permanently any door or window in an external wall ;

(g) to remove or re-construct the principal staircase or to alter its position ;

shall apply for sanction by giving notice in writing of his intention to the Com-missioner in such form and containing such information as may be pre-scribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and as plans may be so prescribed.

261. Conditions of valid notice. - (1) A person giving the notice required by section 259 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 260 shall specify whether the purpose for which the building is being used is pro-posed or likely to be changed by the execution of the proposed work.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

262. Sanction or refusal of building or work. - (1) The Commissioner shall sanction the erection of a building or the execution of a work, unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 266.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely -

(a) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law ;

(b) that the notice for sanction does not contain the particulars or is not pre-pared in the manner required under the bye-laws made in this behalf ;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

(d) that in cases falling under section 238, layout plans have not been sanctioned in accordance with section 239 ;

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation ;

(f) that the site of the building or work does not about on a street or projected street and that there is no access to such building or work from any such street by a passage or pathway appertaining to such site ;

(g) that the building or work would be in contravention of any scheme sanctioned under section 275.

(3) The Commissioner shall communicate the sanction to the person who has given the notice ; and where he refuses sanction on any of the grounds specified in sub-section (2) of this section or under section 266, he shall record a brief state-ment of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

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263. When building or work may be proceeded with. - (1) Where within a pe-riod of sixty days, or in cases falling under clause (b) of section 257 within a period of thirty days, after the receipt of any notice under section 259 or section 260 or of the further information, if any, required under section 261, the Commis-sioner does not refuse to sanction the building or work or upon refusal does not communicate the refusal to the person who has given the notice, the Commis-sioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the no-tice and the documents and plans accompanying the same :

Provided that if it appears to the Commissioner 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 of extension, improvement, widening or alteration of any street, the Commissioner may without sanction of the building or work for such pe-riod not exceeding three months as he deems fit and the period of sixty days or, as the case may be, the period of thirty days specified in this sub-section shall be deemed to commence from the date of the expiry of the pe-riod for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(3) If the person or any one lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been

sancioned, he shall have to give notice under section 259 or, as the case may be, under section 260 for fresh sanction of the building or the work and the provisions of the section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work :

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

264. Sanction accorded under misrepresentation. - If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished un-der sections 259, 260 and 261, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected, or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner shall give rea-sonable opportunity to the person affected as to why such order should not be made.

265. Buildings at corners of streets. - The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for pub-lic convenience or amenity.

266. Provisions as to buildings and works on either side of new streets. - (1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

267. Period for completion of building or work. - The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a rea-sonable period after the commencement of the building or work within which the building or work is to be completed and if the building or 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

Commissioner on application made therefor has allowed an extension of that period.

268. Prohibition against use of inflammable materials for buildings etc. without permission. - In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable material except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in subsequent year except with fresh permission obtained in this behalf.

269. Order of demolition and stoppage of buildings and works in certain cases and appeal. - (1) Where the erection of any building or execution of any work has been commenced, or is being carried on or has been completed without or contrary to the sanction referred to in section 262 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an or-der directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed within such period (not being less than three days from the date on which a copy of the order of demolition with a brief statement of the rea-

sons therefor has been delivered to that person) as may be specified in the order of demolition :

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order should not be made :

Provided further that where the erection or work has not been completed, the Commissioner 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 at any other time, direct the person to stop the erection of work until the expiry of the period within which an appeal against the order of demolition, if made may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-sec-tion (1) may prefer an appeal against the order to the Court of the District Judge of the City within the period specified in the order for the demolition of the erec-tion or work to which it relates.

(3) Where an appeal is preferred under sub-section (2) against an order of demo-lition, the Court of the District Judge may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit :

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Court of the District Judge unless security, sufficient in the opinion of the Court, has been given by the appellant for

not proceeding with such erection or work pending the disposal of the appeal.

(4) Save as provided in this section no court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to re-strain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the Court of the District Judge on appeal and subject only to such order, the order of demolition made by the Commissioner shall be fi-nal and conclusive.

(6) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (1) or where an order of demolition made by the Commissioner under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any fixed by the Court of the District Judge on appeal, and on the failure of the person to comply with the order within such period, the Commis-sioner may himself cause the erection of 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.

270. Order of stoppage of building or works in certain cases. - (1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction re-ferred to in section 262 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or

bye-laws made thereunder, the Commissioner 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) If an order made by the Commissioner under section 269 or under sub-sec-tion (1) of this section directing any person to stop the erection of any building or execution of any work is not complied with the Commissioner 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 in the requisition and such police officer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a Corporation officer or other Corporation employee to watch the premises in or-der to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a Corporation officer or other Corporation em-ployee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or exe-cution is being continued or to whom notice under sub-section (1) was

given and shall be recoverable from such person as an arrear of tax under this Act.

271. Power of Commissioner to require alteration of work. - (1) Commissioner may at any time during the erection of any building or execution of any work or at any time within three months after the completion thereof by a written notice specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 262 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-law made thereunder and require the person who gave the notice under section 259 or section 260 or the owner of such building or work either -

(a) to make such alterations as may be specified in the said notice with the ob-ject of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made within the period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

272. Completion certificate. - (1) Every person who employs a licensed archi-tect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be de-livered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this be-

half and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act :

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been granted.

273. Restrictions on user of buildings and removal of dangerous buildings.- (1) No person shall, without the written permission of the Commissioner, or oth-erwise than in conformity with the conditions, if any, of such permission -

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work exe-cuted in accordance with the provisions of this Act and of the bye-laws made thereunder ;

(b) change or allow the change of the use of any land or building ;

(c) convert or allow the conversion of one kind of tenement into another kind.

(2) If it appears to the Commissioner at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, re-sorting to or passing by such building or any other building or place in the neighbourhood of such building, the Commissioner may, by order in writing, re-quire the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger therefrom.

(3) The Commissioner may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or re-pair the building, to set up a proper and sufficient board or fence for the protection of passers-by and other persons, with a convenient platform and hand rail wher-ever practicable to serve as a foot way for passengers outside of such board or fence.

(4) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.

(5) If the owner or occupier of the building does not comply with the order within the period specified therein, the Commissioner shall take such steps in re-lation to the building as to prevent all cause of danger therefrom.

(6) All expenses incurred by the Commissioner in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act.

274. Power to order building to be vacated in certain circumstances. - (1) The Commissioner may by order in writing direct that any building which in his

opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 272 be vacated forthwith or within such period as may be specified in the order :

Provided that at the time of making such order the Commissioner shall record a brief statement of the reasons therefor.

(2) If any person fails to vacate the building in pursuance of such order the Com-missioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction accordingly.

(3) The Commissioner shall, on the application of any person who has vacated, or been removed from any building in pursuance of an order made by him, rein-state such person in the building on the expiry of the period for which the order has been in force according to the circumstances prevailing at that time permit.

275. Building Scheme. - (1) The Corporation may, and if so required by the Government shall, within six months of the date of such requisition, drawn up a building scheme for built areas, and a town planning scheme for unbuilt areas, which may among other things provide for the following matters, namely :-

(a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole or any part of the city, and of the use to which they may be put ;

(b) the prescription of a building line on either side or both sides of any street existing or proposed; and

(c) the amount of land in such unbuilt area which shall be transferred to the Corporation for public purposes including use as public streets by owners of land either on payment of compensation or otherwise, provided that the total amount so transferred shall not exceed thirty-five per cent, and the amount transferred without payment shall not exceed twenty-five per cent of any one owner's land within such unbuilt area.

(2) When a scheme has been drawn up under the provisions of sub-section (1), the Corporation shall give public notice of such scheme and shall at the same time intimate a date not less than thirty days from the date of such notice by which any person may submit to the Corporation in writing any objection or suggestion with regard to such scheme which he may wish to make.

(3) The Corporation shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of sub-section (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Government which may sanction such scheme or may refuse to sanction it, or may return it to the Corporation for reconsideration and resubmis-sion by a specified date.

(4) If a Corporation fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to resubmit a scheme by a specified date, when required to do so under sub-section (3) or resubmits a scheme which is not approved by the Government, the Government may drawn up a scheme of which public notice shall be given by notification and by publication within the City to-gether with an intimation of the date by which any person may submit in writing to the Government any objection or suggestion which he may wish to make and

the Government may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the Government may think fit; and the cost of such scheme or such portion of the cost as the Government may deem fit shall be defrayed from the Corporation Fund.

(5) While sanctioning a scheme the Government may impose conditions for the submission of periodical reports to it on the progress of the scheme and for the in-spection and supervision of the scheme.

(6) If under the provisions of any scheme sanctioned under the proceeding sub-sections the erection or re-erection of building in a specified area for a specified purpose is prohibited, any person who after such scheme is sanctioned uses any building for such purpose shall, unless it was used for this purpose before the scheme was sanctioned, on conviction be liable to fine which may extend to one thousand rupees, and if after such conviction he continues to use such building for such purpose shall be liable to fine which may extend to fifty rupees for every day during which such use continues.

Explanation. - For the purpose of this section, -

(i) ‘‘built area’’ is that portion of a City of which the greater part has been de- veloped as a business or residential area ; and

(ii) ‘‘unbuilt area’’ is an area within the local limits of a city which is declared as such at a special meeting of the Corporation by a resolution confirmed by the Government, or which is notified as such by the Government.

CHAPTER XV

Sanitation and Public Health

276. Provision for daily cleansing of streets and removal of rubbish and filth. - (1) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall provide -

(a) for the daily surface-cleansing of all streets and the removal of the sweep- ings therefrom, and

(b) for the removal of the contents of all receptacles and depots and of the ac-cumulations at all places provided or appointed by him under the provi-sions of this Act for the temporary deposit of rubbish, filth and other polluted and obnoxious matter.

(2) The Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter re-ferred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

277. Rubbish, etc. to be property of Corporation. - All matters deposited in public receptacles, depots and places provided or appointed under section 278 and all matters collected by Corporation employees or contractors in pursuance of sec-tion 276 and section 281 shall be the property of the Corporation.

278. Provision for appointment of receptacles, depots and places for rub-bish, etc. - (1) The Commissioner shall -

(a) provide or appoint in proper and convenient situations, public receptacles, depots or places for the temporary deposit of rubbish, filth and other pol-luted and obnoxious matter and for the final disposal of rubbish, filth and other polluted and obnoxious matter;

(b) provide dustbins for the temporary deposit of rubbish;

(c) provide vehicles or other suitable means for the removal of rubbish and of- fensive matter; and

(d) provide covered vehicles or vessels for the removal of filth and other pol- luted and obnoxious matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matters specified in sub-section (1).

(3) The Commissioner shall make adequate provision for preventing recepta-cles, depots, places, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

279. Duty of owners and occupiers to collect and deposit rubbish etc. - It shall be the duty of the owners and occupiers of all premises -

(a) to have the premises swept and cleaned;

(b) to cause all filth, rubbish and other polluted and obnoxious matter to be collected from their respective premises and to be deposited at such times as the Commissioner, by the public notice prescribes, in public recepta-cles, depots or places provided or appointed under section 278 for tempo-rary deposit or final disposal thereof :

(c) to provide receptacles of the type and in the manner prescribed by the Commissioner for the collection therein of all filth, rubbish and other pol-luted and obnoxious matter from such premises and to keep such recepta-cles in good condition and repair.

280. Collection and removal of filth and polluted matter. - It shall be duty of the owners and occupier of every premises situate in any portion of the City in which latrines or urinals are not connected by a drain with a municipal drain, to cause all filth and polluted and obnoxious matter accumulating upon such prem-ises to be collected and removed to the nearest receptacle or depot provided for this purpose under section 278 at such times, in such vehicle or vessel, by such route and with such precautions as the Commissioner may by public notice pre-scribe.

281. Collection and removal of filth and polluted matter through Corpora-tion agency. - (1) Where the Commissioner has given public notice in respect of any portion of the City that the collection, removal and disposal, of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be under-taken by Corporation agency, it shall be lawful for the Commissioner to take

measures for the daily collection, removal and disposal of such filth and polluted and obnoxious matter from all premises situated in that portion of the City.

(2) In such portion of the City and in any premises wherever situate in which there is a latrine or urinal connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of scavengers.

282. Removal of rubbish, etc., accumulated on premises used as factories, work-shops, etc. The Commissioner may, if he thinks fit -

(a) by written notice require the owner or occupier of any premises used for carrying on any manufacture, trade or business or used as a factory, work-shop, trade premises or market or in any way so that rubbish, filth and other polluted and obnoxious matter are accumulated in large quantities, to col-lect all such rubbish, filth and other polluted and obnoxious matter accu-mulating thereon and to remove the same at such time and in such carts or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed under section 278, or

(b) after giving such owner or occupier notice of his intention cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed and charge the said owner or occupier for such re-moval such fee as may, with the sanction of the Corporation, be specified in the notice issued under clause (a).

283. Prohibition against accumulation of rubbish etc. - (1) No owner or oc-cupier of any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Commissioner, any rub-bish filth and other polluted and obnoxious matter on such premises or any place belonging thereto or neglect to employ proper means to remove such rubbish, filth and other polluted and obnoxious matter from, or to cleanse, such receptacle and to dispose of such rubbish, filth and other polluted and obnoxious matter in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, pavement or cleansing of any la-trine, or urinal on or belonging to the premises.

(2) No owner or occupier shall allow the water of any sink, drain, latrine or uri-nal or any rubbish, filth and other polluted and obnoxious matter to run down on or to, or be thrown or put upon, any street or into any drain in or along the side of any street except in such manner as shall prevent any avoidable nuisance from any such water, rubbish, filth or other polluted and obnoxious matter.

(3) No person shall, after due provision had been made in this respect under the foregoing provisions of this Chapter for the deposit and removal of the same -

(a) deposit any rubbish, filth and other polluted and obnoxious matter in any street or on the verandah of any building or on any unoccupied ground along side any street or on the bank of a water course; or

(b) deposit any filth or other polluted and obnoxious matter in any dustbin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth and other polluted and obnoxious matter.

284. Commissioner's power to get premises scavenged and cleansed. - If any premises are not properly and regularly scavenged or cleansed or are in a filthy and unwholesome condition, the Commissioner may cause them to be scav-enged and cleansed and recover the expenses from the owner or, as the case may be, occupier as an arrears of tax under this Act.

285. Public latrines, urinal etc. - (1) The Commissioner shall provide and maintain in proper and convenient places a sufficient number of public latrine and urinals.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy, establishments, and shall regularly be cleansed and kept in proper order.

286. Constructions of latrines and urinals. - (1) It shall not be lawful to con-struct any latrine or urinal for any premises except with the written permission of the Commissioner and in accordance with such terms not

inconsistent with the provisions of this Act or any bye- laws made thereunder as he may prescribe.

(2) In prescribing any such terms the Commissioner may determine in each case-

(a) whether the premises shall be served by the service system or by the flush system or partly by one and partly by the other; and

(b) what shall be the site or position of each latrine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Commissioner may, after giving not less than ten days'notice to the owner or occupier of such premises, alter, reconstruct, close or de-molish such latrine or urinals and the expenditure incurred by the Commissioner in so doing shall be recoverable from the owner or occupier as an arrears of tax un-der this Act.

287. Latrines and urinals, etc., in new buildings. - (1) It shall not be lawful to erect any building or execute any work on or in relation to such building without providing such latrine accommodation and urinal accommodation and accommo-dation for bathing or for washing clothes and utensils on each floor of such building as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case -

(a) whether such building shall be served by the service system or by the flush system or partly by the one and partly by the other;

(b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and their number on each floor and their clear internal dimen-sions.

(3) It shall not be lawful to erect a residential building composed of separate

tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place in the same premises.

(4) In this section the expression ''to erect a building'' has the same meaning as in section 257.

288. Latrines and urinals for labourers etc. - Every person employing work-men, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed, latrines and uri-nals of such description and number as the Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same in clean and proper order.

289. Provisions of latrine and urinals for markets etc. - The Commissioner may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station and other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, latrines of such description and number and in such position as may be specified and to keep the same in clean and proper order.

290. Other provision as to private latrines. - The Commissioner may, by written notice -

(a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or

(b) require the owner or other person having the control of such private latrine or urinal which in the opinion of the Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

(c) require any person having the control whether as owner, lessee or occupier of any land or building -

(i) to have any latrines provided for the same shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbour-hood; or

(ii) to cleanse in such manner as the Commissioner may specify in the notice any latrine or urinal belonging to the land or building; or

(d) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with sufficient latrine or urinal accommodation, require the owner, lessee or occupier of such prem-ises to provide such or such additional latrine or urinal accommodation as he may prescribe, if necessary, by causing any part of such premises to be vacated and demolished in accordance with the bye-laws made in this be-half.

291. Removal of congested buildings. - (1) Where it appears to the Commissioner that any block of buildings is in unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness, close-ness, or faulty arrangement of streets, or of the want of proper drainage and ventilation, or of the impracticability of cleansing the buildings or other similar

cause, he shall cause the block to be inspected by the Corporation Health Officer and the Corporation Engineer who shall make a report in writing to him regarding the sanitary condition of the block.

(2) If upon receipt of such report the Commissioner considers that the sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, he shall with the approval of the Corporation select the buildings which in his opin-ion should wholly or in part be removed in order to abate the unhealthy condition of the block 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 :

Provided that before issuing the notice, reasonable opportunity should be afforded to the owners to show cause why the buildings should not be removed :

Provided further that the Commissioner shall make compensation to the own-ers for any buildings so removed which may have been erected under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself remove the building required to be removed by the notice and recover from the owner of the building the expenses of such re-moval as an arrears of tax under this Act.

292. Power of Commissioner to require improvement of buildings unfit for human habitation. - (1) Where the Commissioner upon information in his pos-session is satisfied that any buildings is in any respect unfit for human habitation, he may, unless in his opinion the building is not capable at a reasonable expense of being rendered fit, serve upon the owner of the building a notice requiring him within such time 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 opin-ion those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner the Commis-sioner may serve a copy of the notice on any other person having an interest in the building whether as a lessee, mortgagee or otherwise.

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work nec-essary to render it so fit and the value which it is estimated that the building will have when, the works are completed.

293. Enforcement of notice requiring execution of works of improvement.- If a notice under section 292 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time speci-fied in the notice the Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as an ar-rears of tax under this Act.

294. Power of Commissioner to order demolition of buildings unfit for hu-man habitation. - (1) Where the Commissioner upon any information in his

possession is satisfied that any building is unfit for human habitation and is not ca-pable at a reasonable expense of being rendered so fit he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, 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 any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the Commissioner and gives an undertak-ing to him that such person shall, within a period specified by the Commissioner, execute such works of improvement in relation to the building as will, in the opin-ion of the Commissioner, render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the Commissioner on being satisfied that it has been rendered fit for that purpose, can-cels the undertaking, the Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner shall forthwith make an order of demolition of the building requir-ing 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 that it shall be de-molished within six weeks of the expiration of that period.

(4) Where an order of demolition of a building under this section has been made the owner of building or any other person having an interest therein shall demolish that building within the time specified in that behalf by the order, and if the build-ing is not demolished within that time, the Commissioner shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Commissioner under sub-section (4), if not satisfied out of the proceeds of the sale of materials of the buildings, shall be re-covered from the owner of the building or any other person having an interest therein as an arrears of tax under this Act.

(6) In determining for the purposes of section 292 and this section whether a building is unfit for human habitation, regard shall be had to its condition in re-spect of the following matters, that is to say, -

(a) repair ;

(b) stability ;

(c) freedom from damp ;

(d) natural light and air ;

(e) water supply ;

(f) drainage and sanitary conveniences ;

(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 unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of Section 292, Section 293 and this section, ‘‘work of im-provement’’ in relation to a building includes any one or more of following works, namely :-

(a) necessary repairs ;

(b) structural alterations ;

(c) provision of light points and water taps ;

(e) provision of latrines and urinals ;

(f) provision of additional or improved fixtures and fittings ;

(g) opening up or paving of courtyard ;

(h) removal of rubbish, filth and other polluted and obnoxious matter ;

(i) any other work including the demolition of any building or any part thereof which, in the opinion of the Commissioner, is necessary for executing any of the works specified above.

(8) The provisions of Section 291, Section 292, Section 293 and this section shall not apply in relation to any building etc. in any area which has been declared to be a slum area under the Punjab Slum Areas (Improvement and Clearance) Act, 1961.

295. Insanitary huts and sheds. - Where the Commissioner upon any informa-tion in his possession is satisfied that any hut or shed used as a

dwelling house or as a stable or for any other purpose, is likely, by reason of its being constructed without a plinth or upon a plinth of insufficient height or without proper means of drainage or on account of the impracticability of scavenging and cleansing it or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbour-hood, or is for any reason likely to endanger public health or safety he may by notice in writing require the owner or occupier of the hut or shed or the owner or occupier of the land on which the hut or shed stands to remove or alter the hut or shed or carry out such improvement thereof as the Commissioner may deem nec-essary within such time as may be specified in the notice.

296. Prohibition against washing by washermen. - (1) The Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer at any place other than a place appointed under sub- section (1).

297. Obligation to give information of dangerous disease. - Any person be-ing in charge of, or in attendance whether as medical practitioner or otherwise, upon any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give informa-tion respecting the existence of such disease to the Corporation Health Officer.

298. Removal to hospitals of patients suffering from dangerous disease. - 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 pays rent for, nor oc-cupies as the guest or relative of person who owns, or pays rent for it, or

(c) living in a sarai, hotel, boarding house or other public hostel, or

(d) lodged in premises occupied by members of two or more families, the Commissioner or any person authorised by him in this behalf may, on the advice of any medical officer of the rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suf-fering from such disease are received for medical treatment and may do any thing necessary for such removal.

299. Disinfection of buildings and articles. - Where the Commissioner is of the opinion that the cleansing and disinfection of any building or part of a building or of any articles in such building or part of which are likely to retain infection or the renewal or flooring of any building or part of such building, and the renewal or plastering of the walls thereof, would tend to prevent or check the spread of any dangerous disease ; he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as

the case may be, or to renew the said flooring and if necessary, the said plastering also within such time as may be specified in the notice :

Provided that where in the opinion of the Commissioner the owner or occupier is from property or any other cause unable effectually to carry out any such requisition, the Commissioner may at the expense of the Corporation Fund cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring and if necessary, the plastering also.

300. Destruction of infections huts or sheds. - (1) Where the destruction of any hut or shed is in opinion of the Commissioner necessary to prevent the spread of any dangerous disease, the Commissioner may by notice in writing require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Commissioner is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any danger-ous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier.

(3) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

301. Means of disinfection. - (1) The Commissioner shall-

(a) provide proper places with necessary attendants and apparatus for the dis-

infection of conveyances, clothing, bedding and other articles which have been exposed to infection;

(b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) The Commissioner may notify places at which articles of clothing, bedding and conveyances or other articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Commissioner may direct the destruction of any clothing, bedding or other article likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

302. Special measures in case of outbreak of dangerous or epidemic dis-eases. - (1) In the event of the City or any part thereof visited or threatened by an outbreak of any dangerous disease among the inhabitants thereto or of any epi-demic disease among any animals therein, the Commissioner, 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, may, with the previous sanction of the Corporation :-

(a) take such special measures, and

(b) by public 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 or spread of the disease :

Provided that where in the opinion of the Commissioner immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the Corporation.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under Sec-tion 88 of the Indian Penal Code.

303. Infected clothes not to be sent to washerman or to laundry. - (1) A per-son shall not send or take to any washerman or to any laundry or place set apart for the exercise by washerman of their calling, for the purpose of being washed or to any place for the purpose of being cleansed, any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless that cloth or article has been disinfected by or to the satisfaction of the Corporation Health Officer.

(2) The occupier of any building in which a person is suffering from a danger-ous disease shall, if required by the Corporation Health Officer furnish to him the address of any washerman to whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continu-ance of the disease for the purpose of being washed or cleansed.

304. Contamination and disinfection of public conveyance. - (1) Whoever,-

(a) uses a public conveyance while suffering from a dangerous disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who had died from such disease ;

shall be bound to take proper precautions against the communication of the dis-ease to other person using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance and further re-port without delay to the Commissioner the number of the conveyance and the name of the person so noticed.

(2) Where any person suffering from, or the corpse of any person who had died from, a dangerous disease has been carried, in public conveyance which ordinar-ily plies in the City or any part thereof, the driver thereof, shall forthwith report the fact to the Commissioner who shall forthwith cause the conveyance to be dis-infected if that has not already been done.

(3) No such conveyance shall be again brought into use until the Corporation Health Officer has granted a certificate stating that it can be used without causing risk of infection.

(4) Whoever fails to make to the Commissioner any report which he is required to make under this section shall be guilty of an offence.

305. Driver of conveyance not bound to carry persons suffering from dan-gerous disease. - Notwithstanding anything contained in any law for the time being in force no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vi-cinity of the City any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

306. Disinfection of buildings before letting the same. - (1) Where any build-ing or part of a building is intended to be let in which any person has, within six weeks immediately proceeding, been suffering from a dangerous disease, the per-son letting the building or part shall, before doing so disinfect the same in such manner as the Commissioner may by general or special notice direct together with all articles therein liable to retain infection.

(2) For the purposes of this section the keeper of a hostel, hotel, lodging house or sarai shall be deemed to let a part of the building to any person accommodated in such hostel, hotel, lodging house or sarai, as the case may be.

307. Disposal of infected articles without disinfection. - No person shall, without previous disinfection of the same give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease and is likely to be used in or taken into the City or any part thereof.

308. No prohibition of making or selling of food, etc. or washing of clothes

by infected persons. - No person while suffering from, or in circumstances in which he is likely to spread any dangerous disease, shall,-

(a) make, carry or offer for sale, take any part in the business of making, car-rying or offering for sale, any article of food or drink of any medicine or drug for human consumption, or any article of clothing or bedding for per-sonal use or wear, or

(b) take any part in the business of the washing or carrying of clothes.

309. Power to restrict or prohibit sale of food or drink. - When the City or any part thereof is visited or threatened by an outbreak of any dangerous disease the Commissioner may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of flesh of any description of animals so specified.

310. Control over wells and tanks, etc. - (1) If the Commissioner is of opinion that the water in any well, tank or other place is likely, if used for drinking, to en-danger, cause the spread of, any disease he may,-

(a) by public notice, prohibit the removal or use of such water for drinking ; or

(b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water ; or

(c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of the City or any part thereof being visited or threatened by an outbreak of a dangerous disease the Corporation Health Officer or any person au-thorised by him in this behalf, may 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 purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of the same for drinking pur-poses.

311. Duty of persons suffering from dangerous disease. - No person shall,-

(a) knowing that he is suffering from a dangerous disease expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a danger-ous disease cause or permit that person to expose other person to the risk of infection by his presence or conduct in any such street or place as afore-said ;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish, any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly ;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly.

312. Disposal of infectious corpses where any person has died from any dangerous disease. - Where any person has died from any dangerous disease the Commissioner may by notice in writing-

(a) require any person having charge of the corpse to convey the same to mor- tuary thereafter to be disposed of in accordance with law, or

(b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt, buried or for being conveyed to a mortuary.

313. Conditions of service of sweepers and certain other classes of persons employed in Corporation service. - (1) No person being a sweeper employed by the Corporation shall in the absence of any contract authorising him so to do and without reasonable cause, resign his employment or absent himself from his duty without having given one month's notice to the Commissioner or shall ne-glect or without reasonable cause refuse to preform his duties.

(2) The Corporation may by resolution direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the Corporation whose functions are intimately concerned with public health or safety.

314. Conditions of service of sweepers employed for doing house scaveng-ing. - No sweeper, being employed for doing house scavenging of any building, shall discontinue to do such house scavenging without reasonable cause or with-out having given fourteen days' notice to his employer.

315. Power to call for information regarding burning and burial ground.- The Commissioner may, by notice in writing, require the owner or person in charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

316. Permission for use of new burning or burial ground. - (1) No place which has not been used as a burning or burial before the commencement of this Act shall be so used without the permission in writing of the Commissioner.

(2) Such permission may be granted subject to any condition which the Commissioner may think fit to impose for the purpose of preventing any annoyance to or danger to the health of any person residing in the neighbourhood.

317. Power to require closing of burning and burial grounds. - Where the Commissioner, after making or causing to be made local enquiry, is of opinion that any burning or burial ground has become offensive to, or dangerous to the health of, persons residing in the neighbourhood, he may with the previous sanc-tion of the Corporation, by notice in writing, require the owner or person incharge of such ground to close the same from such date as may be specified in the notice.

(2) No corpses shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

318. Removal of corpses. - The Commissioner may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

319. Disposal of dead animals. - (1) Whenever any animal in charge of any person dies, the person in charge thereof shall within twenty-four hours either-

(a) convey the carcass to a place provided or appointed under Section 278 for the final disposal of the carcasses of dead animals, or

(b) give notice of the death to the Commissioner whereupon he shall cause the carcass to be disposed of.

(2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1) the Commissioner may charge such fee as he may by public notice specify.

CHAPTER XVI

Vital Statistics

320. Appointment of Chief Registrar and Registrars. - (1) The Corporation Health Officer shall be the Chief Registrar of births and deaths for the City and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in the City.

(2) The Commissioner shall for the purposes of this Chapter appoint such num-ber of persons to be registrars of births and deaths as he deems necessary and define the respective areas which shall be under the charge of such registrars.

321. Duties of registrars. - The registrar shall keep himself informed of every birth or death occurring within the area under his charge and shall ascertain and register as soon as conveniently may be after the event, and without fee or reward such particulars in respect of every birth or death as may be prescribed by bye-laws made in this behalf.

322. Information of births and deaths. - (1) It shall be the duty of the father or mother of every child born in the City and in default of the father or mother, of any relation of the child living in the same premises, and in default of such rela-tion, of the person having charge of the child to give to the best of his knowledge and belief to the registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed by bye-laws made in this behalf.

(2) 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 City 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 hereinbefore mentioned, 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 particu-lars as may be prescribed by bye-laws made in this behalf.

(3) If a birth or death occurs in the hospital none of the persons mentioned in sub-section (1) or, as the case may be, in sub-section (2) shall be bound to give in-formation required by that sub-section, but it shall be the duty of the medical officer incharge of the hospital within twenty-four hours after the birth or death, to send to the Corporation Health Officer a notice containing such particulars as may be prescribed by bye-laws made in this behalf.

CHAPTER XVII

Public Safety and Suppression of Nuisances

323. Prohibition of nuisances. - (1) No person shall-

(a) in any public street or public place-

(i) case himself ; or

(ii) carry meat exposed to public view ; or

(iii) picket animals or collect carts ; or

(iv) being engaged in the removal of rubbish, filth or other polluted and obnoxious matter wilfully or negligently permit any portion thereof to spill or fall or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place ; or

(v) without proper authority affix, upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or

(vi) without proper authority deface or write upon or otherwise mark any building, monument, post, wall, fence, tree or other thing ; or

(vii) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder ; or

(viii) without proper authority displace, damage, make any alteration in, or otherwise interfere with, the pavement, gutter, storm water-drain, flags or other materials of any such street, or any lamp bracket, direction post, hydrant or water-pipe maintained by the Corporation in any such street or place, or extinguish a public light ; or

(ix) carry rubbish, filth or other polluted and obnoxious matter at any hour prohibited by the Commissioner by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Commissioner, or fail to close such cart or receptacle when in use ; or

(b) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Commis-sioner by public notice ; or

(c) deposit, or cause or permit to be deposited, earth or materials of any description or any rubbish or polluted and obnoxious matter in any place not intended for the purpose in any public street or public place or waste or un-occupied land under the management of the Corporation ; or

(d) make any grave or burn or bury any corpse at any place not set apart for such purpose ; or

(e) at any time or place at which the same has been prohibited by the Commis-sioner by public or special notice, beat a drum or tomtom, or blow a horn or trumpet or beat any utensil, or sound any brass or other instrument, or play any music ; or

(f) disturb the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker ; or

(g) let loose any animal so as to cause, or negligently allow any animal to cause, injury, danger, alarm or annoyance to any person ; or

(h) save with the written permission of the Commissioner and in such manner as he may authorise, store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell ; or

(i) use or permit to be used as a latrine any place not intended for that purpose.

(2) Every person shall take all reasonable means to prevent every child under the age of twelve years being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or em-ployee of the Corporation or by any police officer to a pound.

(5) Swine found straying in a public street or public place shall be liable to be destroyed by any officer or other employee of the Corporation appointed in this behalf.

324. Power of Commissioner to require removal or abatement of nuisance.- Where the Commissioner is of 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 sufference the nuisance arises or continues or the owner, lessee or occupier of the land or building, or any one or more of these persons to remove or abate the nui-sance by taking such measures in such manner and within such period as may be specified in the notice.

325. Registration and control of dogs. - (1) The Corporation may, by bye-laws made in this behalf-

(a) require the registration, by the registration authority appointed by the Com- missioner in this behalf of all dogs kept within the City ;

(b) require that every registered dog shall wear a collar to which shall be at-tached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof ;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose ; and

(d) fix the fee which shall be charged for such detention and provide that any

such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.

(2) This Commissioner may

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffer-ing from rabies, or which has been bitten by any dog or other animal suf-fering or suspected to be suffering from rabies ;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclo-sures of the houses of their owners, if any, may be destroyed and cause them to be destroyed accordingly.

(3) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section

(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without be-ing secured by a chain lead in any case in which-

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Commissioner has, by public notice during the prevalence of rabies, di- rected that dogs shall not be at large without muzzles and chain leads.

(5) No one shall-

(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) set on or urge any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by any animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give

immediate in-formation of the fact to the Commissioner or give information which is false.

326. Stacking or collecting inflammable materials. - The Commissioner may by public notice, prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger to life or property, the stacking or collect-ing of wood, dry grass, straw or other inflammable material or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice.

327. Care of naked lights. - No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause dan-ger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purpose of illumination on the occasion of a festival or public or private entertainment.

328. Discharging fire-works, fire-arms, etc. - No one shall discharge any fire-

arm or let off fire-works or fire-balloons, or engage in any game in such manner as to cause or to be likely to cause danger to person passing by or dwelling or working in the neighbourhood or risk of injury to property.

329. Power to require buildings, wells, etc., to be rendered safe. - Where any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, de-pression, or excavation, or any bank or tree is, in the opinion of the Commissioner, in a ruinous state, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Commissioner may by notice in writing require the owner or part-owner or person claiming to be the owner or part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or en-close the same in such manner as he thinks necessary ; and if the danger is, in the opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

330. Enclosure of waste land used for improper purposes. - The Commissioner may, by notice in writing, require the owner or part-owner, or person claiming to by the owner or part-owner of any land or building, or the lessee or the person claiming to be the lessee of any such land which, by reason of disuse or dis-puted ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly person or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves or is used for gaming or immoral purposes or otherwise occasions or is likely to occasion a nui-sance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER XVIII

Markets, Slaughter-houses, Trades And Occupations

331. Provision of municipal markets and slaughter-houses. - (1) The Com-missioner, when authorised by the Corporation in this behalf, may provide and maintain municipal markets and slaughter-houses in such number as he

thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such markets or slaughter-houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighment or measure-ment of goods sold therein.

(2) Municipal markets and slaughter-houses shall be under the control of the Commissioner who may at any time, by public notice, close any municipal market or slaughter-house or any part thereof.

332. Use of municipal markets. - (1) No person shall, without the general or special permission in writing of the Commissioner, sell or expose for sale any ani-mal or article in any municipal market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the

market by or under the orders of the Commissioner or any officer or employee of the Corporation authorised by the Commissioner in this behalf.

333. Private markets and slaughter-houses. - (1) No place other than a mu-nicipal market shall be used as a market unless such place has been licensed as a market by the Commissioner.

(2) No place other than a municipal slaughter-houses shall be used as a slaugh-ter-house :

Provided that nothing in this sub-section shall be deemed-

(a) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Com-missioner may, by public or special notice, impose in this behalf, or

(b) to prevent the Commissioner, with the sanction of the Corporation, from setting apart places for the slaughter of animals in accordance with religious custom.

334. Conditions of grant of licence for private market. - (1) The Commis-sioner may charge such fees as he thinks fit to impose for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as he thinks fit to impose.

(2) When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Commissioner may, with the previous approval of the Corporation and for reasons to be recorded, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the or-der of suspension or cancellation.

335. Prohibition of keeping markets open without licence, etc. - (1) No per-son shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefor, or while the li-cence therefor is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled the Commissioner shall cause a notice of the grant, refusal, suspen-sion or cancellation to be posted in such language of languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

336. Prohibition of use of unlicensed markets. - No person knowing that any market has been opened to the public without a licence having been obtained thereof when such licence is required by or under this Act or that the licence granted therefor is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

337. Prohibition of business and trade. - (1) No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal mar-ket or licensed private market without the permission of the Commissioner.

(2) Any person contravening the provision of sub-section (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Commissioner or any officer or employee of the Corporation ap-pointed by him in this behalf.

338. Levy of stallages, the rent and the fees. - The Commissioner, with the previous approval of the Corporation, may-

(a) charge such stallages, rents or fees as may from time to time be fixed by him in this behalf-

(i) for the occupation or use of any stall, shop, stand, shed or pen in a mu-nicipal market or municipal slaughter-house.

(ii) for the right to expose articles for sale in a municipal market.

(iii) for the use of machines, weights, scales and measures provided for in any municipal market, and

(iv) for the right to slaughter animals in any municipal slaughter- house; and for the fees of such animals before they are ready for slaughter; or

(b) from the stallages, rents and fees chargeable as aforesaid or any portion thereof for such period as he may think fit ; or

(c) put up to public auction or dispose of by private sale, the privilege of oc-cupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house for such period and on such conditions as he may think fit.

339. Stallages, rents, etc., to be published. - A copy of the table of stallages, rents and fees, if any chargeable in any municipal market or municipal slaughter-house, and of the bye- laws made under this Act for the purpose of regulating the use of such market or slaughter- house printed in such language or languages as the Commissioner may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

340. Power to expel lepers and disturbers, etc. from markets. - The person in charge of a market shall prevent the entry therein of and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has com-menced or from any dangerous disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

341. Butcher's fishmonger's and poulterer's licence. - (1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, fish-monger, poulterer 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 licence shall be required for any place used for the sale or stor-age for sale of preserved flesh or fish contained in airtight or hermetically sealed receptacles.

(2) The Commissioner may, by order and subject to such conditions as to super-vision and inspection as he thinks fit to impose, grant a licence or may, by order, refuse, for reasons to be recorded, to grant the same.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may stop the use thereof by such means as he may consider necessary.

342. Factory, etc., not to be established without permission of Commissioner. - (1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission, if he is of opinion that the establishment, alteration, enlargement or extension of such factory, work-shop or trade premises, in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nui-sance to the inhabitants of the neighbourhood.

343. Premises not to be used for certain purposes without licence. - (1) No person shall use or permit to be used any premises for any of the following pur-poses without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely-

(a) any of the purposes specified in Part I of the second Schedule ;

(b) any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance ;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof ; or

(d) storing any of the articles specified in Part II of the second Schedule except for domestic use of any of those articles :

Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be ex-empted from the operation of clause (d).

(2) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes the Commissioner may, when he thinks fit, require the licence to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licenced under sub-section (1) :

1[Provided that no such fee shall exceed such amount, as may be fixed by the Government from time to time].

344. Seizure of certain animals. - (1) If any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of Section 343, or are found abandoned and roaming or tethered on any street or pub-lic place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Corpo-ration for this purpose and cost of seizure of these animals or birds and of impounding or removing them and of feeding and watering them shall be recov-erable by sale by auction of these animals or birds :

Provided that anyone claiming such animal or birds may, within seven days of the seizure get them released on his paying all expenses incurred by the Commissioner in seizing, impounding or removing and in feeding and wa-tering such animal or bird, and on his producing a licence for keeping these animals and birds issued under the provisions of Section 343.

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in sub-section (1) of Section 343 is causing a nui-sance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of the owner or occupier to comply with such order, the Commissioner may himself or by an officer subordinate to him cause such user to be stopped.

(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horses, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall also be punishable under this Act.

345. Power of the Commissioner to prevent use of premises in particular area for purposes referred to in Section 343. - (1) The Commissioner may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of Section 343, which may be specified in such notice.

(2) No objections to any such declaration shall be received after period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the said pe-riod, giving any person affected by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub- section (1), with such modification, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette.

1.Substituted by Punjab Ordinance No. 2 of 1999.

(5) No person shall, in any area specified in any declaration published under sub-section (4), use any premises for any of the purposes referred to in Section 343 specified in the declaration and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.

346. Licences for hawking articles, etc. - No person shall, without or other-wise than in conformity with the terms of a licence granted by the Commissioner in this behalf,-

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not :

(b) use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purposes of gain or making a liv-ing.

347. Eating houses, etc., not to be used without licence from Commissioner.- (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating house, lodg-ing house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in confirmity with the conditions of such licence or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

348. Licencing and control of theatres, circuses and places of public amuse-ment. - No person shall without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any theatre, circus, cinema house, dancing hall or other similar place of public resort, recrea-tion or amusement :

Provided that nothing in this section shall apply to private performances in any such place.

349. Power of Commissioner to stop use of premises used in contravention of licences. - If the Commissioner is of opinion that any eating house, lodging house, hotel, boarding house tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, cir-cus, cinema, house, dancing hall or similar

other place of public resort, recreation or amusement is kept open without a licence or otherwise, than in conformity 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.

350. Power of Commissioner to inspect places where unlawful slaughter of animal, etc., is suspected. - (1) If the Commissioner or any person authorised by

him in this behalf has reason to believe that any animal intended for human con-sumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such places for the pur-pose of satisfying himself as to whether any provision of this Act or of any bye-law made under this Act at the time in force is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(2) The Commissioner may remove and sell by auction or other-wise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1).

(3) If within one month of such seizure the owner of the animal, carcass of flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if the owner is convicted of an offence under this Act in respect of such animal carcass or flesh, the proceeds of any sale under sub- section (1) shall vest in the Corpo-ration.

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under the provi-sions of this Act may be arrested by any police officer without a warrant.

(5) No claim shall lie against any person for compensation for any damage nec-essarily caused by any such entry or by the use of any force necessary for effecting such entry.

CHAPTER XIX

Improvement

351. Improvement scheme. - Where the Commissioner upon information in his possession is satisfied as respects any area.

(a) that the buildings in that area are by reason of disrepair or sanitary defects unfit for human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets or the want of light, air, ven-tilation or proper conveniences, dangerous or injurious to the health of the inhabitant of the area ; and

(b) that the most satisfactory method dealing with the conditions in the area is the rearrangement and reconstruction of the streets and buildings in the area in accordance with an improvement scheme ;

he may frame an improvement scheme in respect of the area in accordance with the bye-laws made in this behalf.

352. Matters to be provided for in an improvement scheme. - (1) An im-provement scheme may provide for all or any of the following matters, namely-

(a) the acquisition by agreement or under the Land Acquisition Act, 1894, of any property necessary for or affected by the execution of the scheme;

(b) the relaying out of any land comprised in the scheme ;

(c) the redistribution of sites belonging to owners of property comprised in the scheme ;

(d) the closure or demolition of buildings or portions of buildings unfit for hu- man habitation ;

(e) the demolition of obstructive buildings or portions thereof ;

(f) the construction and re-construction of buildings ;

(g) the construction and alteration of streets ;

(h) the water-supply, street lighting, drainage and other conveniences ;

(i) the provision of open spaces for the benefit of any area comprised in the scheme ;

(j) the sanitary arrangements required for the area comprised in the scheme;

(k) the provision of accommodation for any class of the inhabitants ;

(l) the provision of facilities for communication ;

(m) the sale, letting or exchange of any property comprised in the scheme ;

(n) any other matter for which, in the opinion of the Commissioner it is expe-dient to make provision with a view to the improvement of the area to which the scheme relates.

(2) Where any land is designated in an improvement scheme as subject to ac-quisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years from the date of sanction of the scheme by the Government under sub-section (2) of Section 353, the land is not acquired by the Commis-sioner, the owner of the land may serve on the Commissioner, a notice requiring his interest in the land to be so acquired.

(3) If the Commissioner fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the Commissioner or were not required to be kept as an open space.

353. Submission of improvement scheme to the Corporation for approval and to the Government for sanction. - (1) Every improvement scheme shall as soon as may be after it has been framed, be submitted by the Commissioner for approval to the Corporation and the Corporation may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with direction to the Commissioner to have a fresh scheme framed according to such directions.

(2) No Improvement scheme approved by the Corporation under sub-section (1) shall be valid unless it has been sanctioned by the Government.

354. Publication of the notice after scheme is sanctioned. - (1) After an im-provement scheme is sanctioned by the Government, the Commissioner shall prepare a notice stating -

(a) the fact that the scheme has been sanctioned;

(b) the boundaries of the area comprised in the scheme; and

(c) the place at which particulars of the scheme, a map of the area comprised

in the scheme and a statement of the land which it is proposed to acquire may be seen.

(2) The Commissioner shall cause the aforesaid notice to be published in the Of-ficial Gazette and also in the manner specified in Section 365.

355. Rehousing scheme. - The Commissioner while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereinafter in this Act referred to as the rehousing scheme) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the exe-cution of the improvement scheme.

356. Improvement scheme and rehousing scheme to comply with master plan and zonal development plan. - No improvement scheme or rehousing scheme framed under this Chapter after a development plan or the City or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the de-velopment plan or the zonal development plan.

CHAPTER XX

Powers, Procedure, Offences and Penalties

357. Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions. - (1) Whenever it is provided in this Act or any bye-law made thereunder that a licence or a written permission may be granted for any purpose, such license or written permission shall be signed by the Commis-sioner or by the officer empowered to grant the same under this Act or the bye-laws made thereunder or by any Corporation Officer authorised by the Com-missioner or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any pro-vision of any bye-law made thereunder-

(a) the date of the grant thereof ;

(b) the purpose and the period (if any) for which it is granted ;

(c) restrictions or conditions, if 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 written permission.

(2) Except as otherwise provided in this Act or any bye-law made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Cor-poration and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made thereunder any licence or written permission granted under this Act or any bye-law made there-under may at any time be suspended or revoked by the Commissioner or by 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 its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted :

Provided that-

(a) before making any order of suspension or revocation reasonable oppor-tunity should be afforded to the grantee of the license or the written per-mission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written per-mission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force if so required by the Commissioner or the authority by whom it was granted, produce such licence or written permission.

358. Power of entry and inspection. - The Commissioner or any Corporation officer or other Corporation employee authorised by him in this behalf or empow-ered in this behalf by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen-

(a) for the purpose of ascertaining whether there is or has been on or in connec-tion with the land or building any contravention of the provisions of this Act or any bye-law made thereunder ;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Commissioner, or any Corporation officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act or any bye-law made thereunder ;

(c) for the purpose of taking any action or executing any work authorised or re- quired by this Act or any bye-law made thereunder.

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act ;

(e) generally for the purpose of efficient discharge of the functions by any of the municipal authorities under this Act or any bye-law made thereunder.

359. Power to enter land adjoining land in relation to any work. - The Com-missioner, or any person authorised by him in this behalf or empowered in this behalf by or under any provision of this Act, may enter on any land within thirty-five metres of any work authorised by or under this Act with or without assistant and workman for the purpose of depositing thereon any soil, gravel, stone or other

materials or for obtaining across to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or oc-cupier of land or to both for any such damage, whether permanent or temporary.

360. Breaking into building. - (1) It shall be lawful for the Commissioner, or any person authorised by him in this behalf or empowered in this behalf by or, un-der any provision of 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 necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, or the person au-thorised 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 situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Corporation 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.

361. Time of making entry. - Save as otherwise provided in this Act or any bye-law made thereunder no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

362. Consent ordinarily to be obtained. - Save as otherwise provided in this Act or any bye- laws 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 the said owner or occupier, as the case may be, not less than twenty-four hours within notice of the intention to make such entry :

Provided that no such notice shall be necessary if the place to be inspected is a factory, workshop or trade premises or a place used for any of the pur-poses specified in Section 343 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction or for the purpose of ascer-taining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

363. Regard to be had to social or religious usages. - When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social

and 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 un-til she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

364. Prohibition of obstruction or molestation in execution of work. - No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom the Corporation or the Commissioner has law-fully contracted, in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provi-sions of this Act or any bye-law made thereunder, or in fulfilment of his contract, as the case may be.

365. Public notices how to be made known. - Every public notice given under this Act or any bye-law made thereunder shall be in writing under the signature of the Commissioner or of any Corporation Officer authorised by him in this be-half and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that the appropriate municipal authority may think fit.

366. Newspaper in which advertisement of notices to be published. - When-ever it is provided by this Act or any bye-law made thereunder that notice shall be given by advertisement in local newspapers or that a notification or information shall be published in local newspapers such notice, notification or information shall be inserted if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf :

Provided that if the Corporation publishes a municipal journal a publication in that journal shall be deemed to be a publication in a newspaper of the lan-guage in which the said journal may be published.

367. Proof of consent, etc. of Commissioner etc. - Where under this act or any rule, regulation or bye-law made thereunder the doing of, or the omission to do anything or the validity of anything depends upon the approval, sanction, consent ; concurrence, declaration, opinion or satisfaction of the Commissioner or of any Corporation officer, a written document signed by the Commissioner or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

368. Notices, etc. to fix reasonable time. - Where any notice, bill order or req-uisition issued or made under this Act or any rule, regulation or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule, regulation or bye- law, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

369. Signature on notices, etc., may be stamped. - Every licence, written per-mission, notice, bill, summons or order document which is required by this Act or

any rule, regulation or bye-law made thereunder to bear the signature of the Com-missioner or of any Corporation officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Corporation Fund under Section 78 and such other classes of documents as may be prescribed.

370. Notice etc. by whom to be served or issued. - All notices, bills, summons and other documents required by this Act or any rule, regulation or bye-laws made thereunder to be served upon or issued to, any person, shall be served or issued by municipal officers or other Corporation employees or by other persons authorised by the Commissioner.

371. Service of notices, etc. - Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule, regulation or bye-law made thereunder to be served or issued by or on behalf of the Corporation or by the Commissioner or any Corporation officer, on any person shall, save as oth-erwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served-

(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 of-fice 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 ;

(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 ;

(c) where the person to be served is a public body, or a corporation, society or other body if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either ;

(i) sent by registered post ; or

(ii) delivered at that office ;

(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 city, 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 re-lates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed ‘‘the owner’’ or ‘‘the occu-pier’’, as the case may be, of that land or building (naming that 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 sub-section (1) ; or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicu-ous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in writing require the occupier of the 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 369 and Section 370 and in this section shall apply to any summons issued under this Act by a Court.

(7) A servant is not a member of the family within the meaning of this section.

372. Service of bills for tax or notice of demand by ordinary post. - Notwith-standing anything contained in Sections 370 and 371 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter un-der a certificate of posting addressed to the appropriate person specified in Section 371 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the matter was prop-erly addressed and posted under a certificate of posting.

373. Power in case of non-compliance with notice, etc. - In the event of a non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made thereunder, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment of such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the com-pletion of the act or the work required to be done or executed by such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner or demand and if not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

374. Liability of occupier to pay in default of owner. - (1) If any notice, order or requisition has been issued to any person in respect of property of which he is

the owner the authority or officer at whose instance such notice order or requisi-tion has been issued may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under Section 373 :

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under Section 373 as an arrear of tax under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid by the owner.

375. Execution of work by occupier in default of owner and deduction of expense from rent. - Whenever the owner of any land or buildings fails to execute any work which he is required to execute under this Act or any bye-law made thereunder, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

376. Relief to agents and trustees. - (1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regu-lation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief unde, sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing, require him, to apply to the discharge of his obligations as aforesaid the first moneys which may come to his hands to behalf, or for the use, of the owner and on failure to com-ply with the notice, he shall be deemed to be personally liable to discharge the obligation.

377. General power to pay compensation. - (1) In any case not otherwise pro-vided for in this Act or in any bye-law made thereunder, the Commissioner, with the previous approval of the Corporation, may pay compensation to any person who sustains damage by reasons of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or in any Corporation officer or other Corporation employee.

378. Compensation to be paid by offenders for damage caused by them. - (1) Any person who has been convicted of an offence against this Act or any

bye-law made thereunder shall, notwithstanding any punishment to which he may

have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable un-der sub-section (1) such amount shall, on application made to him; be determined by the Magistrate before whom the said person was convicted of the said offence ; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said Magistrate as if it were a fine im-posed by him on the person liable therefor.

379. Reference to the court of the District Judge in certain cases. - If, when the Commissioner demands payments of any expenses referred to in Section 373 his right to demand the same of the amount or the demand is disputed within ten days after such demand, the Commissioner shall refer the case for determination to the court of the District Judge.

380. Application to court of District Judge in other cases. - (1) Wherein any case not provided for by Section 379, the Corporation or the Commissioner or any Corporation Officer or other Corporation employee is required by this Act or by any bye-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute be determined by the court of the District Judge on application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) If the amount of any expenses or compensation ascertained in accordance with sub-section (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the District Judge in an original suit tried by it.

381. Power to sue for expenses or compensation. - Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such pro-ceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

382. Mode of recovery of certain dues. - In any case not expressly provided for in this Act or any bye-law made thereunder any sum due to the Corporation on account of any charges, costs, expenses, fees rates or rent or on any other account under this Act or any such bye- law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act :

Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum become due.

383. Right of owner to apply to court of the District Judge in case of ob-struction by occupier. - (1) The owner of any land or building may if he is

prevented by the occupier thereof from complying with any provision of this Act

or any bye-law made thereunder or with any notice, order or requisition issued un-der such provision, apply to the court of the District Judge ; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requistion the owner shall not be liable for his failure to comply with the provision or notice, order or requisition within the time so fixed.

(2) The court on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition any may also, if it thinks fit direct that the costs of such application and order be paid by the oc-cupier.

(3) After eight days from the date of the order referred to in sub-section (2), the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order and in the event for his continued refusal to do so, the owner shall be discharged during the continuance of such refusal from any liability which may have been otherwise incurred by reason of his failure to comply with the said provisions or notice, order or requisition.

384. General powers and procedure of the court of District Judge. - The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made aplicable, in the disposal of applications, ap-peals or references that may be made to the court of the District Judge under this Act or any bye-law made thereunder.

385. Fees in proceeding before court of the District Judge. - (1) The Govern-ment may, by notification in Official Gazette, prescribe what fee shall be paid -

(a) on any application, appeal or reference under this Act or any bye-law made thereunder to the court of the District Judge ; and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process:

Provided that the fee, if any prescribed under clause (a) shall not in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees liable for the time being under the provisiors of the Court-fees Act, 1870, in cases in which the amount of the claim or sub-ject matter is of a like amount.

(2) The Government may, be like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the Dis-trict Judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid :

Provided that the court may in any case in which it thinks fit so to do -

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person, without payment or on part payment of the fees prescribed under this section.

386. Repayment of half fees on settlement before hearing. - Whenever an ap-plication, appeal or reference made under this Act or any bye-law made thereunder to the court of the District Judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

387. Power of the court of District Judge to delegate certain powers and to make rules. - The court of the District Judge may -

(a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, and reference under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, and references ;

(b) with the approval of the Government, make rules nor inconsistent with this Act or any rule, regulation or bye-law made thereunder, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

388. Punishment for certain offences. - Whoever -

(a) contravenes any provision of any of the sections, sub-sections, clauses, pro-visos or other provisions of this Act, mentioned in the first column of the Table in the Third Schedule ; or

(b) fails to comply with any order lawfully given to him or any requisition law-fully made upon him under any of the said sections, sub- sections, clauses, provisos or other provisions shall be punishable -

(i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or with both ; and

(ii) in the case of a continuing contravention or failure: with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

389. Punishment for acquiring share or interest in contract, etc. with Cor-poration. - Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 13 it is permissible for a Coun-cillor to have without being thereby disqualified for being a Councillor or any Corporation officer or other Corporation employee who knowingly acquires, di-rectly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation, not being a share or interest such or under clause (i) of sub-section (1) of section 13 or sub- clauses (ii) and (iii) of clause (c) of sub-sec-tion (2) of that section it is permissible for a Councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code.

390. General. - Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued

under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable without fine which may extend to one hundred rupees, and in the case of a continuing failure of contravention with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

391. Offences of companies. (1) Where an offence under this Act has been com-mitted by a company, every person who, at the time of offence was committed, was incharge of and was responsible to, the company for the conduct of the busi-ness 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 sub-section shall render any such per-son liable to any punishment provided in this Act if he proves that the of-fence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence un-der this Act has been committed by a company and it is proved that 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accord-ingly.

***Explanation*.** - For the purposes of this section, -

(a) "company" means a body corporate, and includes a firm or other associa-tion of individuals ; and

(b) "director" in relation to a firm means a partner in the firm.

392. Police establishments. (1) Every Corporation shall, unless relieved of this obligation by the Government, maintain a sufficient police establishment for po-lice requirements within the City and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall consist of part of the general police force under the Government within the meaning of section 2 of the Police Act, 1961 and shall consist of such number of officers and men who shall repectively receive such pay, leave, allowances, gratuities and pensions as the Corporation may from time to time after consulation with the Inspector Gen-eral of Police, and subject to the final decision of the Government direct.

(3) The Government may relieve any Corporation of the whole or part of the cost of the police establishment, and may enter into a contract with the Corporation on such terms as may be agreed on, that, in consideration of such relief, the corpo-ration shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the City to which the Corporation fund can properly be ap-plied, and which are estimated to cost not more than the amount of the relief.

(4) When a Corporation has been relieved under this section of the whole or part of the cost of the police establishment which it is required to maintain, the Gov-ernment shall maintain such police establishment as it shall consider necessary, and the establishment so maintained shall consist of a part of the General Police

Force under the Government within the meaning of section 2 of the Police Act, 1861.

(5) The Government may, nothwithstanding anything contained in the Police Act, 1861, or in any other Act for the time being in force, define, subject to the pro-visions of this Act the duties which the officers and men of the police establishment may be required to perform.

393. Arrest of Offenders. - (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made thereunder if -

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and ad-dress are ascertained or, without the order of the nearest Magistrate, for a period longer than twenty- four hours from the time of arrest exclusive of the time nec-essary for the journey from the place of arrest to the court of such magistrate.

(3) It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate Corporation officer of the commission of, or the attempt, to commit any offence against this Act or any rule, regulation or bye-law made thereunder and to assist all Corporation officers and other Corpo-ration employees in the exercise of their lawful authority.

394. Power to institute etc., legal proceedings and obtain legal advice. - The Commissioner may -

(a) take, or withdraw from, proceedings against any person who is charged with-

(i) any offence against this Act or ay rule regulation of bye-law made thereunder ; or

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act ; or

(iii) committing any nuisance whatsoever ;

(b) contest or compromise any appeal against rateable value or assessment of any tax or rate ;

(c) take, or withdraw from or compromise, proceedings under sections 378, 379 and 380 for the recovery of expenses or compensation claimed to be due to the Corporation ;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person.

(e) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a Corporation officer or other

Corporation employee in respect of anything done or omitted to be done by any one of them in his official capacity ;

(f) with the approval of the Corporation, admit or compromise any claim, suit or other legal proceeding brought against the Corporation or against the

Commissioner or any Corporation officer or other Corporation employee in respect of anything done or omitted to be done as aforesaid ;

(g) withdraw or compromise any claim against any person in respect of a pen-alty payable under contract entered into with such person by the Commis-sioner on behalf of the Corporation ;

(h) institute and prosecute any suit or other legal proceeding or with the ap-proval of the Corporation withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been in-stituted or made in the name of the Corporation or of the Commissioner;

(i) obtain such legal advice and assistance as he from time to time thinks nec-essary or expedient to obtain or as he may be required by the Corporation to obtain for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any Corporation officer or other Corporation employee.

1[**394-A. Prosecutions.** - Save as otherwise provided in this Act, no court shall try any offence may punishable by or under this Act or any rule or any bye-law made thereunder, except on the complaint of, or upon information received from the Commissioner, the Executive Officer, the Medical Officer of Health, the Mu-nicipal Engineer (Electricity) or any other officer of the Corporation authorised by it in this behalf.

394-B. Composition of offences. - (1) The Commissioner, the Executive, Of-ficer, the Medical Officer of Health, the Municipal Engineer (Electricity) or any other officer of the Corporation authorised by it in this behalf by a general or sope-cial order or a sub-committee of the Corporation appointed by it may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act, or any rule or any bye-law made thereunder :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of any of the municipal authorities specified in section 46 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has compounded, the offender, if in custody, shall be dis-charged and no further proceeding shall be taken against him in respect of the offence so compounded].

395. Protection of action of the Corporation, etc. - No suit or prosecution shall be entertained in any court against the Corporation or against the Commissioner or against any Corporation officer or other Corporation employee or against any person acting under the order or direction of the Corporation, the Commissioner or any Corporation officer or other Corporation

employee, for anything which is in good faith done or intended to be done, under this act or any rule, regulation or bye-law made thereunder.

1.Inserted by Punjab Act 12 of 1977.

396. Notice to be given of suits. - (1) No suit shall be instituted against the Cor-poration or against the Commissioner or against any Corporation officer or other Corporation employee or against any person acting under the order or direction of the Corporation or the Commissioner or any Corporation officer or other Corpo-ration employee in respect of any act done, or purporing to have been done, in pursurance of this Act or any rule, regulation or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the Corpora-tion office and, in the case of such officer, employee or person unless notice in writing has also been delivered to him or left at his office or place or residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such no-tice has been so left or delivered.

(2) No suit, such as is described in sub-section (1) shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto be instituted after the expiry of six months from the date on which the cause of action arises.

(3) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction on which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

CHAPTER XXI

Rules, Regulations and Bye-laws

397. Supplemental provisions respecting rules. - (1) Any rule which the Gov-ernment is empowered to make under this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundered rupees.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the House of the State Legislature while it is in session for a total pe-riod of ten 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 session aforesaid, the House agrees in making any modification in the rule or House agree that the rule 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 any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

398. Supplemental provisions respecting regulations. - (1) Any regulation which may be made by the Corporation under this Act, may be made by the Gov-ernment within one year of the establishment of the Corporation;

and any regulation so made may be altered or rescinded by the Corporation in the exercise of its powers under this Act.

(2) No regulation made by the Corporation under this Act shall have effect until it has been approved by the Government and published in the Official Gazette.

154 Punjab Municipal Corporation Act, 1976, Section 399

399. Powers to made bye-laws. - (1) Subject to the provisions of this Act the Corporation may in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the fol-lowing matters, namely :-

A. Bye-laws relating to taxation. -

(1) the maintenance of tax books and registers by the Commissioner and the par-ticulars which such books and registers should contain ;

(2) the inspection of and the obtaining of copies and extracts from such books and registers and fees, if any, to be charged for the same ;

(3) the publication of rates of taxes as determined by the Government from time to time;

(4) the requisition by the Commissioner of information and returns from persons liable to pay taxes ;

(5) the notice to be given to the Commissioner by any person who becomes the owner or possessor of a vehicle or animal in respect of which any tax is payable under this Act ;

(6) the wearing of badge by the driver of any such vehicle and the display of number plate on such vehicle ;

(7) the submission of returns by the persons liable to pay any tax under this Act;

(8) any other matter relating to the levy, assessment, collection, refund or remis-sion of taxes under this Act.

B. Bye-laws relating to water-supply, drainage and sewage disposal -

(1) the power of the Commissioner to close waterworks for the supply of water, whether for domistic purposes or not or for gratuitous use and to prohibit the same and use of water for the purpose of business ;

(2) the connection of supply pipes for conveying to any premises a supply of water from municipal waterworks ;

(3) the making and renewing connections with municipal water-works ;

(4)the power of the Commissioner to take charge of private connection ;

(5) the power of the Commissioner to alter the position of connection ;

(6) the equitable distribution of water supplied to occupiers ;

(7) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Municipal waterworks and the stamping of pipes and fittings and fees for such stamping ;

(8) the size, material, quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired ;

(9) the provision and maintenance of meters when water is supplied by measure-ment ;

(10) the prohibition of fradulent and unauthorised use of water and the prohibition of fraud in connection with meters ;

(11) the maintenance of pipes, cisterns and other waterworks ;

(12) the regulation or prohibition of the discharge or deposit of offensive or ob-structive matter, polluted water or other polluted and obnoxious matter into sewers ;

(13) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, pipes, latrines, urinals, cesspools and other drainage works ;

(14) the cleansing of drains ;

(15) the prohibition of erection of buildings over drains without the permission of the Commissioner ;

(16) the connection of private drains with municipal drains ;

(17) the location and construction of cesspools ;

(18) the covering and ventilation of cesspools ;

(19) the period or periods of the day during which trade effluent may be discharged from any trade premises into municipal drains ;

(20) the exclusion from trade effluent of all condensing water ;

(21) the elimination from trade effluent, before it enters a municipal drain, of any constituent which in the opinion of the Corporation would, either alone or in com-bination with any matter with which it is likely to come into contact while passing through municipal drains, injure or obstruct those drains or make specially diffi-cult or expensive the treatment or disposal of the sewage from those drains ;

(22) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into municipal drains on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into municipal drains ;

(23) the regulation of the temperature of trade effluent at the time of its discharge into municipal drains and the securing of the neutrality of trade effluent (that is to say that it is neither acid nor alkaline at the time of such discharge ;

(24) the charges to be paid to the Corporation by occupiers of trade premises for the reception of trade effluent into municipal drains and disposal thereof ;

(25) the provisions and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into municipal drains from trade premises ;

(26) the provision and maintanance of such meters as may be required to meas-ure the volume of any trade effluent being discharged from any trade premises into municipal drains, and the testing of such meters ;

C. Bye-laws relating to streets -

(1) the closure of streets when any work is in progress and alternative passage during the progress of such work ;

(2) the erections of a temporary nature during festivals ;

(3) the setting up of boards on buildings adjacent to streets during their construc-tion or repair ;

(4) the precautions to be taken when permission is granted to any private individual for opening or breaking up any public street and the fees to be paid for the restoration of a street in its original sanction ;

(5) the permission, regulation or prohibition of use of occupation of any street or place by itinerant vendors or hawkers or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation ;

(6) any other matter in connection with the construction, repair, maintenance, naming, numbering and lighting of streets for which provision is necessary or should be made ;

D. Bye-laws relating to buildings -

(1) the regulation or restriction of the use of sites for buildings for differect areas;

(2) the regulation or restriction of buildings in different areas ;

(3) the form of notice of erection of any building or execution of any work and the fee in respect of the same ;

(4) the plans and documents to be submitted together with such notice and the information and further information to be furnished ;

(5) the level and width of foundation, level of lowest floor and stability of structure;

(6) the construction of buildings and the materials to be used into the construction of buildings ;

(7) the height of buildings whether absolute or relative to the width of streets or to different areas ;

(8) the number and height of storeys composing a building and the height of rooms and the dimensions of rooms intended for human habitation ;

(9) the provision of open spaces, external and internal, and adequate means of light and ventilation ;

(10) the provision of means of egress in case of fire, fire escapes and water lifting devices ;

(11) the provision of secondary means of access for the removal of house refuse;

(12) the materials and methods of construction of external and party walls, roofs and floors ;

(13) the position, materials and methods of construction of hearths, smoke- escapes, chimneys, staircases, latrines, drains and cesspools ;

(14) the provision of lifts ;

(15) the paving of yards ;

(16) the restrictions on the use of inflammable materials in buildings ;

(17) the restrictions of construction of foundation on certain sites ;

(18) the measures to be taken to protect buildings from damp arising from sub-

soil;
(19) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings ;
(20) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes the means which shall be used to prevent pollution of the water ;
(21) the supervision of buildings ;
(22) the setting back of garages and shops from the regular line of a street; (23) the construction of portable structures and permission for such construc-tion.

E. Bye-laws relating to sanitation and public health -

(1) the position of latrines and urinals ;
(2) the provision of air spaces between latrines and buildings of places used for various purposes ;
(3) the white-washing of buildings ;
(4) the provision of living accommodation for sweepers in buildings newly erected requiring ten or more laterines ;
(5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health ;
(6) the seizure of ownerless animals straying within the limits of the City and the regulation and control of ponds ;
(7) the fixing and regulation of the use of public bathing and washing places;
(8) the prevention of the spread of dangerous diseases ;
(9) the segregation in or the removal or exclusion from any part of the City or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease ;
(10) the supervision, regulation, conservation and protection from injury contamination or trespass of sources and means of public water supply and of appliances for the distribution of water ;
(11) the enforcement of compulsory vaccination and inoculation ;
(12) the proper disposal of corpses, the regulation and management of burning and burial places and other places for the disposal of corpses and the fees charge-able for the use of such places where the same are provided or maintained at the expense of the Corporation Fund.

F. Bye-laws relating to vital statistics -

(1) the prescribing of qualifications of persons to the appointed as registrars under Chapter XVI ;
(2) the registration of births, deaths and marriages and the taking of a census ;

G. Bye-laws relating to public safety and suppression of nuisances -

The regulation or prohibition for the purpose of sanitation or the prevention of disease or the promotion of public safety or convenience of any act which occasions or is likely to occasion a nusance and for the regulation or prohibition of which no provision is made elsewhere by this Act ;

H. Bye-laws relating to markets, slaughter houses, trades and occupations-

(1) the days on, and the hours during which any market or slaughter house may be kept open for use ;

(2) the regulation of the design, ventilation and drainage of markets and slaughter houses and the materials to be used in the construction thereof ;

(3) the keeping of markets and slaughter houses and the lands and buildings ap-pertaining thereto in a clean and sanitary condition, the removal of filth, rubbish and other polluted and obnoxious matter therefrom and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using of frequenting the same ;

(4) the manner in which animals shall be admittted in slaughter house ;

(5) the manner in which animals may be slaughtered ;

(6) the provision of passage of sufficient width between the stalls in market buildings and market places for the convenient use of the public and the preven-tion of encroachment of such passages;

(7) the setting apart of separate areas for different classes of articles in market buildings and market places;

(8) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(9) the destruction of carcasses which from any disease or any other cause are found after slaughter to be unfit for human consumption;

(10) the regulation of the entry of animals into slaughter house and the bringing out of the carcasses of such animals after slaughter and the fee to be paid for use of slaughter houses;

(11) the proper custody and care of animals for the keeping of which licences are granted under section 343;

(12) the regulation of the import of animals and flesh within the City;

(13) the rendering necessity of licences for the use of premises within the City as stables or cow-houses or as an accommodation for sheep, goat or buffalo, and the fees payable for such licences and the conditions subject to which such li-cences may be granted, refused, suspended or revoked:

(14) the regulation of sarais, hotels, dak bungalows, lodging houses, boarding houses, buildings, let-in-tenements, residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;

(15) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise injurious, offen-sive or dangerous effects arising or likely to arise therefrom ;

(16) the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, sign-board and signposts;

(17) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(18) the procedure regarding the grant of permit to establish a factory, workshop or trade premises;

(19) the regulation of smoke in factories, workshop and trade premises;

(20) the regulation of sanitary conditions in factories, workshop and trade premises;

(21) the regulation of the use in any factory, workshop or trade premises of whistle, trumpet, siren or horn worked by steam, compressed air, electricity or other mechanical means;

(22) the prevention of nuisance in any market building, market place, slaughter house or any factory, workshop or trade premises;

I. By-laws relation to improvement -

(1) the form and contents of an improvement scheme or a re-housing scheme;

(2) the procedure to be followed in connection with the framing, submission, approval and sanction of such scheme;

(3) the local inquiries and other hearings that may be held before a scheme is framed, approved or sanctioned;

(4) the alteration of an improvement scheme or a rehousing scheme after approval and sanction.

J. Bye-laws relating to miscellaneous matters -

(1) the prevention and extinction of fire;

(2) the circumstances and the manner in which owners of land or building in the City temporarily absent therefrom or not resident therein may be required to ap-point as their agents for all or any of the purposes of this Act or of any bye-laws made thereunder, persons residing within or near the City;

(3) the regulation and control of Corporation hospitals and dispensaries;

(4) the rendering necessary of licences -

(a) for the proprietors or drivers of hackney-carriages, cycle rickshaws, thelas and rehris kept or plying for hire or used for hawking articles;

(b) for persons working as job-porters for the conveyance of goods;

(5) the classification of cinema theatres for the purposes of levying theatre-tax;

(6) any other matter which is to be or may be prescribed by bye-laws made un-der this Act or in respect of which this Act makes no provision or makes in sufficient provision and provision is, in the opinion of the Corporation, necessary for the efficient Municipal government of the City :

(2) Any bye-law which may be made under sub-section (1) may be made by the Government within one year of the establishment of the Corporation; and any bye-law so made may be altered or rescinded by the Corporation in the exercise of its powers under sub-section (1).

160 Punjab Municipal Corporation Act, 1976, Section 400

400. Penalty for breaches of bye-laws. - (1) Any bye-law made under this Act may provide that a contravention thereof shall be punishable -

(a) with fine which may extend to five hundred rupees; or

(b) with fine which may extend to five hundred rupees and in the case of a con-tinuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after con-viction of the first such contravention ; or

(c) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Commis-sioner or any Corporation officer duly authorised in that behalf by the per-son contravening the bye-law requiring such person to discontinue such contravention.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief if any, caused by such contravention.

401. Supplemental provisions respecting bye-law. - (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of the bye-laws being made after previous publication and in the case of such bye-laws being made by the Corporation of their not taking effect until they have been approved by the Government and published in the Official Gazette.

(2) The Government in approving a bye-law may make any change therein which appears to it to be necessary.

(3) The Government may, after previous publication of its intention cancel any bye-law which it has approved, and thereupon the bye-law shall cease to have ef-fect.

402. Bye-laws to be available for inspection and purchase. - (1) A copy of all bye-laws made under this Act shall be kept at the Corporation office and shall, during office hours, be open free of charge to inspection by any inhabitant of the City.

(2) Copies of all such bye-laws shall be kept at the Corporation office and shall be sold to the public at cost price either singly or in collections at the option of the purchaser.

CHAPTER XXII

Control

403. Power of Government to require production of documents. - The Government may at any time require the Commissioner -

(a) to produce any record, correspondence, plan or other document in his pos- session or under his control;

(b) to furnish any return, plan, estimate, statement, account or statistics relat-

ing to the proceedings, duties or works of the Corporation or any of the mu-nicipal authorities;

(c) to furnish or obtain and furnish any report.

404. Inspection. - The Government may depute any of its officers to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every municipal authority and all Corporation officers and other Corporation employees shall be bound to afford the officer so deputed access at all reasonable times to the prem-ises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

405. Directions by Government. - If, whether on receipt of any information or report obtained under section 403 or 404 or otherwise, the Government is of opin-ion -

(a) that any duty imposed on the Corporation or any municipal authority by or under this Act has not been performed or has been performed in an imper-fect, insufficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty;

it may direct the Corporation or the Commissioner, within such period as it thinks fit, to make arrangements to its satisfaction for the proper performance of duty, or, as the case may be, to make financial provision to its satisfaction for the performance of the duty and the Corporation or the Commissioner concerned shall comply with such direction :

Provided that, unless in the opinion of the Government the immediate execu-tion of such order is necessary, it shall, before making any direction under this section, give the Corporation or the Commissioner an opportunity of showing cause why such direction should not be made.

406. Power to provide for enforcement of direction under section 405. - If, within the period fixed by a direction made under sub-section (1) of section 405, any action the taking of which has been directed under that sub-section has not been duly taken, the Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the Corporation Fund.

1[**407. Dissolution of Corporation.** (1) If in the opinion of the Government, a Corporation is not competent to perform its duties or persistently makes default in the performance of duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses any of its powers, the Government

1.Substituted by Act of 1994.

may, by an order published, alongwith the reasons therefor, in the Official Ga-zette, dissolve such Corporation :

Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

(2) When a Municipal Corporation is dissolved under sub-section (1), -

(i) all Councillors of the Corporation shall vacate their offices forthwith;

(ii) all powers and duties of the Corporation during its dissolution shall be ex-ercised and performed by such person or authority, as the Government may, by notification, appoint in this behalf ; and

(iii) all property in possession of the Corporation shall be held by the Govern- ment.

(3) Upon dissolution of a Corporation under sub-section (1), the Government shall reconstitute a Corporation as specified under sub-section (2) of Section 3, and election to reconstitute such Corporation shall be completed before the expi-ration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Cor-poration would have continued, is less than six months, it shall not be nec-essary to hold any election under this sub-section for reconstituting the Corporation for such period.

(4) The Corporation reconstituted upon the dissolution of the existing Corpora-tion before the expiration of its duration, shall continue only for the

remainder of the period for which the dissolved Corporation would have continued under sec-tion 7 had it not been so dissolved.

407-A. Appointment of a person to carry out the work of Corporation in certain cases. (1) All powers and duties of the Corporation may, till it remains dissolved and is reconstituted, or in the case of a Corporation constituted after the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994, under sub-section (4) of section 7, shall be exercised and performed by such per-son or authority as the Government may appoint in this behalf.

(2) All properties vested in the Corporation shall till the Corporation remains dissolved and is reconstituted, shall vest in and devolve upon the Government.''

CHAPTER XXIII

Miscellaneous

408. Delegation. - (1) The Government may, by notification, delegate all or any of its powers under this Act, except the power to make rules, to any officer not below the rank of an Extra Assistant Commissioner subject to such restrictions and conditions as may be specified in the notification.

(2) The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any Corporation Officer or other Corporation employee specified in the order.

409. Validity of notices and other documents. - No notice, order, requisition, licence, permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

410. Admissibility of document or entry as evidence. - A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry and shall be ad-mitted 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.

411. Evidence of Corporation Officer or employee. - No Corporation officer or other Corporation employee shall, in any legal proceedings to which the Cor-poration is not a party, be required to produce any register or document the contents of which can be proved under section 410 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

412. Prohibition against obstruction of Mayor or any Municipal authority etc. - No person shall obstruct or molest the Corporation or the Commissioner, the Mayor or any of the Deputy Mayors, any Councillor or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the

performance of their duty or of any-thing which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule regulation or bye-law made thereunder.

413. Prohibition against removal of mark. - 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 of any rule or bye-law made there-under.

414. Prohibition against removal or obliteration of notice. - No person shall, without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any Corporation officer or other Corporation employee specified by the Commissioner in this behalf.

415. Prohibition against unauthorised dealing with public place or materials. - No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or any land vested in the Corporation or in any way obstruct the same.

416. Liability of Councillors. - (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a Corpora-tion, if such loss, waste or misapplication is reported by the Examiner, Local Fund Accounts, Punjab to be a direct consequence of his neglect or misconduct in the

performance of his duties as a councillor; and he may after being given an oppor-tunity, by notice served in the manner provided for the service of summonses in the Code of Civil Procedure, 1908, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the Divisional Commissioner, and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2) the Collector at the request of the Divi-sional Commissioner shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the Corporation Fund.

(2) The person against whom an order under sub-section (1) is made may within thirty days of the date of communication of the order appeal to the Government who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing 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 from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of his ceasing to be a councillor:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a Civil Court against an order made under sub-section (1).

417. Councillors and Corporation Officer and employees to be public ser-vants. - Every Councillor, the Commissioner, and every Corporation Officer and other Corporation employees shall be deemed to be a public servant

within the meaning of section 21 of the Indian Penal Code, and in the definition of ‘‘Legal remuneration’’ in section 161 of that Code the word ‘‘Government’’ shall for the purpose of this section, be deemed to include the Corporation.

418. Annual administration report. - (1) As soon as may be after the 1st day of April, in every year and not later than such date as may be fixed by the Gov-ernment in this behalf, the Corporation shall submit to the Government a detailed report of the municipal government of the City during the preceding year in such form as the Government may direct.

(2) The Commissioner shall prepare such report and the Corporation shall con-sider it and forward the same to the Government with its resolution thereon, if any,

(3) Copies of the report shall be kept for sale at the Corporation office.

419. Other laws not to be disregarded. - Save as provided in this Act nothing contained in this Act shall be construed as authorising the disregard by the Cor-poration or the Commissioner or any Corporation officer or other Corporation employee of any law for the time being in force.

420. Construction of references. - Save as expressly provided in this Act and unless the context otherwise requires, after the establishment of the Corporation any reference in any enactment, rule, bye-law, order, scheme, notification or other instrument having the force of law, to any local authority having jurisdiction in the

City or any part thereof shall, unless the context or subject otherwise requires, be construed as reference to the Corporation.

421. Special provisions as to rural areas. - Notwithstanding anything con-tained in the foregoing provisions of this Act, -

(a) the Corporation with the previous approval of the Government may, by no-tification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;

(i) exempt the rural areas or any portion thereof from such of the provi-sions of this Act as it deems fit;

(ii) levy taxes, rates, fees and other charges in the rural area or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or por-tion from any such tax, rate, fee or other charge.

422. Government’s power to suspend any resolution or order of Corpora-tion. - If the Government is of the opinion that the execution of any resolution or order of the Corporation or of any other Municipal authority or employee subor-dinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Government

may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.

423. Government's power to annul or modify illegal proceedings. - The Govt. may by written order, annual or omit from the records any proceedings of the Corporation which it considers not to be in conformity with this Act, or any rules or bye-laws made thereunder and may do all things necessary to secure such conformity:

Provided that, unless in the opinion of the Government the immediate making of such order is necessary, it shall before making an order under this sec-tion, give the Corporation an opportunity of showing cause why such an order should not be made.

424. Government's power to withdraw area of any City from operation of Act. - (1) The Government may, by notification, withdraw from the operation of this Act the area of any City constituted thereunder :

Provided that no such notification shall be issued unless the same has been published for inviting objections and the objections, if any, have been duly considered.

(3) When a notification is issued under this section in relation to any City, this Act, all notifications, rules, regulations, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area; the balance of the Corporation Fund and all other property at the time of the issue of

the notification vested in the Corporation shall vest in the Government and the li-abilities of the Corporation shall stand transfered to the Government.

CHAPTER XXIV

Transitory Provisions, Repeals and Amendments

425. Constructions of references in other enactment. - In any enactment other than the Punjab Municipal Act, 1911 in force on the date immediately pre-ceding the appointed day in the City or in any rule, order or notification made or issued thereunder and in force on such date in the said City unless a different in-tention appears-

(a) references to municipalities and municipal committees constituted under the Punjab Municipal Act, 1911, shall be construed as references to the City or to the Corporation of the said City, as the case may be and such en-actment rule, order or notification shall apply to the said City or Corpora-tion;

(b) references to the President or the Vice-President of the municipal commit-tee constituted under the Punjab Municipal Act, 1911, shall be construed in respect of the City as reference to the Commissioner appointed under this Act;

(c) references to the members of a municipal committee constituted under the Punjab Municipal Act, 1911, shall in respect of the City be construed as references to the members of the Corporation constituted under this Act for the City; and

(d) references to any chapter or section of the Punjab Municipal Act, 1911, shall as far as possible be construed in respect of the City as references to this Act or its corresponding chapter or section.

426. Sums due. - All sums due to the municipal committee or local authority for the area which has been constituted a City or which has been included in a city, whether on account of any tax or any other account, shall be recoverable by the Commissioner of the Corporation and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the said municipal committee or local authority to take or institute, if this act had not come into operation and the said area had not been constituted to be a City or included in a City, as the case may be.

427. Assets, liabilities, debts, obligations, contracts and pending proceedings. - (1) All assets and properties vesting in, all debts, liabilities and obligations incurred by, and all contracts made by or on behalf of, the municipal committee or local authority for the area which has been constituted to be a City or which has been included in a City and subsisting on the day on which it is so constituted or included shall, in so far as they relate to the area so constituted or included, be deemed to have been vested in, to have been incurred and made by, the Corpora-tion and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipal commit-

tee or local authority on the said day which under the provisions of this Act are re-quired to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, in so far may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipal committee or local authority on the said day shall, so far as may be practicable, be disposed of as if the area was constituted to be a City or included in a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipal committee or local authority and all suits and other legal proceedings instituted by or against the said municipal committee, local authority or any officer of the said municipal committee or local authority pending on the said day shall, in so far as these relate to the area constituted to be a City or included in a City, be constituted by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City or included in a City when such prose-cution, suit or proceeding was instituted.

428. Continuation of appointments, taxes, budget estimates, assessments, etc. - Save as expressly provided otherwise in this Act,-

(a) any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law, regulation, form made, issued imposed or granted under the Punjab Municipal Act, 1911, or any other law in force in any local area constituted to be a City or in-cluded in a City, immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force

until it is superseded by any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be;

(b) all proceedings for acquisition of land whether in pursuance of any scheme of improvement or otherwise initiated under the Punjab Municipal Act, 1911 or any other enactment applicable to the area included in the City may be continued as if these had been initiated under this Act;

(c) all budget estimates, assessments, valuations, measurements and divisions made under the Punjab Municipal Act, 1911, or any other law in force in any area constituted to be a City or included in a City immediately before the appointed day shall, in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act;

(d) every officer and other employee serving immediately before the appointed day under the municipal committee for the area which has been constituted to be a City, other than those referred to in sub-section (1) of section 71, shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may deter-mine and hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so un-less and until his employment in the Corporation is duly terminated or until

the remuneration, terms or conditions of service are duly revised by the Corporation:

Provided that the conditions of service applicable to them immediately before the appointed day shall not be varied to their disadvantage except with the previous approval of the Government.

429. Provision for municipal committee or local authority which is superseded or dissolved. - Any reference in the foregoing sections to a municipal committee or a local authority shall, in case such municipal committee or a local authority has been superseded or placed under the charge of an administrator un-der any enactment made for that purpose be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipal committee or local authority under any law relating to such municipal committee or local authority.

430. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act to any other enactment for the time being in force, the Government may, as occasion re-quires by order direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the appointed day have effect subject to such adaptations whether by way of modification, ad-dition or omissions as it may deem to be necessary and expedient.

431. Repeal. - The Punjab Municipal Act, 1911, the Punjab Municipal (Execu-tive Officers) Act, 1931, the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samitis and Zila Parishads Act, 1961, shall stand repealed in the area constituted to be a City or included in a City with effect from the day on which it is so constituted or included.

SCHEDULE I

[See section 6(3)]

1. Aheria, Aheri, Heri, Naik, Thori or Turi. 2. Barra. 3. Bet, Hensi or Hesi. 4. Changer. 5. Chirimar. 6. Diaya. 7. Gwaria, Gauria or Gwar. 8. Kanjar or Kanchan. 9. Curmi. 10. Nar. 11. Rehar, Rehra or Ro. 12. Ghirath including Chahng and Bahti. 13. Kahar, Jhinwar or Dhinwar. 14. Ghasi, Ghasiara or Ghosi. 15. Bargria. 16. Riaigar. 17. Weaver (Jullaha). 18. Labana. 19. Gorkhas. 20. Kumhara. 21. Nais. 22. Dhobis. 23. Kamboj. 24. Rai Sikhs. 25. Barwar. 26. Baria, Tamboli. 27. Banagi, Bairagi. 28. Battera. 29. Bharbhunja, Bharbhuja. 30. Bhat, Bhatra, Darpi, Ramiya. 31. Bhuhalia Lohar. 32. Chahng. 33. Chimba, Chippi, Chhimba, Darzi. 34. Dakaut. 35. Dhimar, Mallah, Kashyap, Rajputs. 36. Faqir. 37. Dhosali, Dosali. 38. Gawala, Gowala. 39. Gadaria. 40. Jhangra, Brahman. 41. Hajjam, Nai. 42. Jogi Nath. 43. Khati. 44. Rechhand. 45. Khanghera. 46. Kuchband. 47. Thathera, Tam-era. 48. Lakhera, Manihar. 49. Vanzara. 50. Madari. 51. Lohar. 52. Mochi. 53. Marasi. 54. Noongar. 55. Nalband. 56. Shorgir. 57. Pinjabenja. 58. Soi. 59. Singhikant, Singhiwala. 60. Teli. 61. Gaddis. 62. Darain. 63. Ghai. 64.
Christain. 65. Dhaula or Soni. 66. Swarankar. 67. Arain. 68. Gujjar.

SCHEDULE II

[See section 343]

PART I

Purpose to which premises may not be used without a licence.

Carrying out any of the following trades or operations connected with trades.-1. Banking.

2. Cinematograph films, shooting of.

3. Cinematograph films by any process whatsoever, Treating of -

4. Chillies or masala or corn or seeds. Grinding of by mechanical means - 5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of 6. Cloth or yarn Bleaching -

7. Eating house or a catering establishment. Keeping of an -

8. Grain, Parching -

9. Groundnut seeds, tamarind seeds or any other seeds, Parching

10. Hairdressing saloon or a barbar's shop. Keeping of a -

11. Hides or skins, whether raw or dried. Tanning, pressing or packing - 12. Laundry shop. Keeping a -

13. Leather goods. Manufacturing of by mechanical means -

14. Litho Press. Keeping a -

15. Lodging house. Keeping of a -

16. Metal. Casting -

17. Precious metals. Refining of - or recovering of them from embroideries.

18. Printing Press. Keeping of a -

19. Sweetment shop except in premises already licensed as an eating house. Keeping -

20. Carrying on the trade or business of or any operation connected with the trade of -

(i) Autocar or autocycle serving or repairing.

(ii) Blacksmithy.

(iii) Coppersmithy.

(iv) Electroplating.

(v) Glass bevelling.

(vi) Glass cutting.

(vii) Glass polishing.

(viii) Goldsmithy.

(ix) Marble cutting, grinding, dressing or polishing.

(x) Metal (ferrous or non-ferrous or antimony but excluding previous metal) cutting or treating metal by harmoring, drilling, pressing, filling, polishing, heating, or by any other process what-ever or assembling parts of metal.

(xi) Photography - studio.

(xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.

(xiii) Silversmithy.

(xiv) Spinning or weaving cotton silk, art silk, or jute or wool with the aid of power.

(xv) Stone grinding, cutting, dressing or polishing.

(xvi) Timber or wood sawing or cutting by mechanical or electric power.

(xvii) Tinsmithy.

(xviii) Washrman's trade.

(xix) Welding of metal by electric, gas or any process whatsoever.

Manufacturing, parching, packing pressing, cleaning, cleansings, boiling, molting, grinding or pre-paring by any process whatever any of the following articles-

(i) Aerated waters.

(ii) Bakelite goods.

(iii) Bidis (indigenous cigarettes) snuff, cigars or cigarettes

(iv) Bitumen.

(v) Blasting powder.

(vi) Bones.

(vii) Bricks or tiles by hand power.

(viii) Bricks or tiles by mechanical power.

(ix) Brushes.

(x) Candles.

(xi) Catgut.

(xii) Celluloid or celluliod goods.

(xiii) Cement concrete designs or models.

(xiv) Charcoal.

(xv) Chemicals.

(xvi) Cinematograph films stripping in connection with any trade.

(xvii) Cosmetics or toilet goods.

(xviii) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn wool or woollen refuse or waste.

(xix) Cotton seeds.

(xx) Dammar.

(xxi) Dynamite.

(xxii) Fat.

(xxiii) Fireworks.

(xxiv) Flax.

(xxv) Ink for printing, writing, stamping, etc.

(xxvi) Gas.

(xxvii) Ghee.

(xxviii) Glass or glass articles.

(xxix) Gunpowder.

(xxx) Hemp.

(xxxi) Ice (including dry Ice).

(xxxii) Insecticide or disinfectents.

(xxxiii) Leather cloth or rexina cloth or water proof cloth.

(xxxiv) Lime.

(xxxv) Lineseed oil.

(xxxvi) Matches for lighting (including Bengal matches).

(xxxvii) Mattresses and pillows.

(xxxviii) Offal.

(xxxix) Oil-cloth.

(xl) Oil other than petroleum (either by mechanical power or by hand power or ghani driven by bul-luck or any other animal.

(xli) Pharmaceutical or medical products.

(xlii) Rubber or rubber goods.

(xliii) Paints.

(xliv) Paper or cardboard.

(xlv) Pickers from hides.

(xlvi) Pitch.

(xlvii) Plalstic goods

(xlviii) Pottery by hand power.

(xlix) Pottery by mechanical or any power other than hand power.

(l) Sanitary-ware or china-ware.

(li) Soap.

(lii) Sugar.

(liii) Sweetmeat and confectionery goods.

(liv) Tallow.

(lv) Tar.

(lvi) Varnishes.

(lvii) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandal wood.

PART II

Articles which may not be stored in any premises without a licence 1. Asafootida.

2. Ahes.
3. Bamboos.
4. Bidi leaves.
5. Blasting powder.
6. Blood.
7. Bones, bone meal or bone powder.
8. Camphor.
9. Carbide of calcium.
10. Cardboard.
11. Celluloid or celluloid goods.
12. Charcoal.
13. Chemicals liquid.
14. Chemicals, non-liquid.
15. Chillies.
16. Chlorate mixture.
17. Cinematograph films - non-infllammable or acetate or safety base.
18. Cloth in pressed bales or boras.
19. Cloth or clothes of cotton, wool, silk, art silk, etc.
20. Coal.
21. Coconut fibre.
22. Coke.
23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulphur di-oxide gas, chlorine gas, acetyalom gas etc.
24. Copra.
25. Cotton including Kohok, surgical cotton and silky cotton.
26. Cotton refuse or waste or cotton yarn refuse or waste.
27. Cotton seed.
28. Detonaters.
29. Dry leaves.
30. Dynamite.
31. Explosive paint such as nitrocellulose paint, lacquer paint, enamel paint, etc.
32. Fat.

33. Felt.
34. Fins.
35. Firewood.
36. Fireworks.
37. Fish (dried)
38. Flax.
39. Fulminate.
40. Fulminate of mercury.
41. Fulminate of silver.
42. Golatino.
43. Golignite.
44. Grass.
45. Gun-cotton.
46. Gunpowder.
47. Guny Bags.
48. Hair.
49. Hay or fodder.
50. Hemp.
51. Hessain cloth (gunny bag cloth).

52. Hides (dried).
53. Hides (raw).
54. Hoofs.
55. Horns.
56. Incense or esas.
57. Jute.
58. Khokas, boxes, barrels, furniture or any other article of wood.
59. Lacquer.
60. Leather.
61. Matches for lighting, (including Bengal matches).
62. Methylated spirit, denatured spirit or French polish.
63. Nitre-cellulose.
64. Nitro-compound.
65. Nitro-glycerine.
66. Nitro-mixture.
67. Offal.
68. Oil, other than petroleum.
69. Oilseeds including almonds, but excluding cotton seeds.
70. Old paper or waste paper including old newspapers, periodiocals, magazines, etc.
71. Packing stuff (paper cuttings) husk, saw dust, etc.
72. Paints.
73. Paper other than old paper in pressed bales or loose or in the reams.
74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.
75. Phosphorus.
76. Plastic or plastic goods.
77. Plywood.
78. Rags, including small pieces or cuttings of cloth, hessian cloth, gunny bag cloth, silk, art silk or woollen cloth.
79. Resin or dammer Battar otherwise known as Ral.
80. Safety fuses, feg signals, cartridges, etc.

81. Saltpetre.
82. Sandal Wood.
83. Silk waste or silk yarn waste art silk waste or art silk yarn waste.
84. Sisal fibre.
85. Skins (raw or dried).
86. Straw.
87. Sulphur.
88. Tallow.
89. Tar, ditch, dammer or bitumen.
90. Tarpulin.
91. Thinner.
92. Timber.
93. Turpentine.
94. Varnish.
95. Wool (raw).
96. Yarn other than waste yarn.

THE THIRD SCHEDULE

(See Section 388)

PENALTIES

Explanation. - The entries in the second column of the following table headed ‘‘Subject’’ are not intended as definition of the offences prescribed in the provision mentioned in the first column or even as abstracts of the provisions, but are inserted merely as reference to the subject thereof.

Section, Sub-section, Clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
		Rs	Rs.
S. 105, sub-Ss. (1) and (2)	Failure to give notice of transfer or devaluation of land or building	500	10
S. 105, sub-s. (3)	Failure to produce instrument of transfer 500	10	
S. 106	Failure to give notice of erection of new building etc.	500	...
S. 107	Failure to give notice of demolition or removal of building	500	10
S. 108	Failure to comply with requisition to furnish information,etc.	50	...
S. 112, sub-s. (2)	Wilful delay or obstruction of valuers	500	...
S. 123	Prohibition of advertisement without permission	500	50
S. 145	Failure to give notice of re-occupation of vacant land or building	500	20
S. 150, sub-s. (2)	Non-compliance with the requisition of attendance before the Commissioner	100	...
S. 153	Failure of disclose liability 700	...	
S. 188	Failure to give notice	50	...
S. 190	Prohibition to occupy new premises without arrangement for water supply	500	20
S. 196	Refusal of admittance, etc. 100	...	
S. 199, sub-s. (1)	Lying of water pipes,etc. in a position where the same may be injured or water therein polluted	500	20
S. 199, sub-s. (2)	Construction of latrines,etc.,in a position where pipes may be injured or water therein polluted	100	10
S. 203	Injury to, or interference with free flow of contents of municipal drain or drains communicating with municipal drain	200	10
S. 204, sub-s. (2)	Private drain not to be connected with Municipal drain without notice	500	10
S. 205	Non-compliance with requisition for drainage of undrained premises	100	25
S. 206	Erection of new premises without drains 1,000	50	

S. 207	Non-compliance with requisition of maintainance of drainage works for any group or block of premises	200	0
S. 208	Non-compliance with direction to close or limit the use of private drains in certain cases	200	20
S. 209	Non-compliance with Commissioner’s orders	50	-

	regarding the use of a drain by a person other than the owner thereof		
S. 210	Non-compliance with requisition for keeping sewage and rain water drains distinct	200	...
S. 211	Non-compliance with requisition for the pavement of courtyard etc.	50	...
S. 213	Connection with municipal water works or drains without written permission	500	50
S. 216, Sub-s. (4)	Non-compliance with requisition to close,remove or divert a pipe or drain	200	20
S. 222, sub-s. (1)	Execution of work by a person other than a licensed plumber	200	...
S. 222, sub-s. (2)	Failure to furnish when required,name of licensed plumber employed	100	...
S. 222, sub-s. (6)	Licensed plumbers not to demand more than the charges prescribed	500	...
S. 222, sub-s. (8)	Licensed plumbers not to contravene bye-laws or execute work carelessly,or negligenty,etc.	100	...
S. 223	Prohibition of wilful or neglectful acts relating to water or sewage works	500	...
S. 231, sub-s. (3)	Construction of building within the regular line of street without permission	2,000	100
S. 233	Failure to comply with requisition to set back buildings to regular line of street	500	50
S. 236	Failure to comply with requisition to set forward buildings to regular line of street	500	25
S. 239, Sub-s. (5)	Utilising,selling or otherwise dealing with any land or laying out a private street otherwise than in conformity with orders of the Corporation	500	25
S. 240, Sub-s. (1) clauses (a) and (b)	Failure to comply with requisition to show cause for alteration of street or for appearance before the Commissioner	100	10
S. 241, Sub-s. (1)	Failure to comply with requisition on owner of private street or owner of adjoining land or building to level,etc. such street	100	10
S. 243, Sub-s. (1)	Prohibition of projections upon street,etc,, Imprisonment for one month and Rs. 1000	100	.....
S. 243, Sub-s. (2)	Failure to comply with requisition to remove projections from street	500	25

S. 244, Sub-s. (2)	Failure to comply with requisition to remove a varandah,balcony,etc.,put up in accordance with section 243(1)	500	25
S. 245	Failure to comply with requisition to have ground floor doors,etc., 20 altered as not to open outwards	1,000	50
*[S. 246, sub-s. (1)	Encroachment Imprisonment	.... which shall not be less than one month, which may extend to three years and fine which may extend to Rs.	

		20,000	
S. 246-A, Sub-s. (14)	Encroachment Imprisonment	...] which may extend to one month or fine which may extend to Rs. 1000/- or both.	
S. 249, Sub-s. (1) and (2)	Tethering of animals and milking of cattle in public streets	500	25
S. 250, Sub-s. (4)	Unlawful removal of bar or sorting timber,etc.,or removal or extinction of light	200	...
S. 251, Sub-s. (1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission	500	25
S. 253, Sub-s. (2)	Name of street and number of house not be destroyed or defaced,etc.	500	...
S. 254, Sub-s. (1)	Failure to comply with requisition to repair,project or enclose a dangerous place	500	25
S. 256, Sub-s. (1)	Removal etc.,of lamps 100	...	
S. 256, Sub-s. (2)	Wilfully and negligently extinguishing light in public streets etc.	100	...
S. 258	Erection of a building without the sanction of the Commissioner	5,000	100
S. 259, Sub-s. (1)	Failure to give notice of intention to erect a building	500	...
S. 260, Sub-s. (1)	Failure to give notice of intention to make additions,etc., to buildings	500	25
S. 263, Sub-s. (4)	Commencement of work without notice,etc. 2,000		100
S. 265	Failure to comply with requisition to round off buildings at corners of streets	500	25
S. 266, Sub-s. (1)	Erection of buildings on new streets without levelling	1,000	50

S. 266, Sub-s. (2)	Erection of buildings on execution of work within regular line of street or in contravention of any scheme or plan	1,000	...
S. 268	Use of inflamable materials without permission 1,000		...
S. 269	Failure of buildings in contravention of conditions of sanction etc.	2,000	100
S. 270	Erection of buildings in contravention of conditions of sanction etc.	2,000	100
S. 271	Failure to carry out alterations 2,000	...	
S. 272, Sub-s. (1) and (2)	Non-compliance with revision as to completion certificates,occupation or use,etc., without	500	25
S. 273(1)	Non-compliance with restrictions on user of buildings	1,000	25
S. 273, Sub-s. (2) and (3)	Failure to comply with requisition and to remove structures which are in ruins or likely to fall	2,000	100
S. 274, Sub-s. (1)	Failure to comply with requisition to vacate buildings in dangerous condition,etc.	1,000	50
S. 279	Failure to provide for collection,removal and deposit of refuse and provision of receptacles	200	10

S. 280	Failure to collect and remove filth and polluted matter	200	...
S. 281, Sub-s. (2)	Scavenger's duties in certain cases not to be discharged by any person without permission	25	...
S. 282	Failure to comply with requisition for removal of rubbish,etc.,from premises used as market,etc.	200	...
S. 283, Sub-s. (1)	Keeping rubbish and filth for more than twenty four hours,etc.	50	20
S. 283, Sub-s. (2)	Allowing filth to flow in street	50	20
S. 283, Sub-s. (3)	Depositing rubbish or filth,etc.,in street,etc.	50	...
S. 286, Sub-s. (1)	Latrines and urinals not to be constructed without permission or in contravention of terms prescribed	200	...
S. 286, Sub-s. (1)	Failure to provide buildings newly erected or re-erected with latrine urinal and other accommodation	1,000	20
S. 287	Sub-s. (3), Failure to provide residential buildings composed of separate tenements with latrine,bathing or washing place for servants on the ground floor	500	...
S. 288	Failure to provide latrines for premises used by large number of people and to keep them clean and in proper order	500	20
S. 290, clauses (a), (b)(c) and (d)	Failure to comply with requisition to enforce provision of latrine or urinal accommodation etc.	500	20

S. 291, Sub-s. (2)	Failure to comply with requisition for removal of congested buildings	1,000	50
S. 292	Failure to comply with requisition to improve buildings unfit for human habitation	1,000	...
S. 294, Sub-ss. (1),(2),(3) and (4)	Failure to comply with order it demolition of buildings unfit for human habitation	2,000	50
S. 295	Failure to comply with requisition of the Commissioner to remove insanitary huts and sheds etc.	200	15
S. 296, Sub-s. (1)	Prohibition against washing by washerman	100	...
S. 297	Failure to give information of dangerous disease	100	...
S. 299	Failure to comply with requisition to cleanse and disinfect buildings or articles	100	...
S. 300	Failure to comply with requisition to destroy infectious huts or sheds	50	...
S. 301	Washing of clothing,bedding,etc.,at any place not notified by the Commissioner	50	...
S. 303, Sub-s. (1)	Spending infected to clothes to washerman or laundry	25	...
S. 303, Sub-s. (2)	Failure to furnish address of washerman or laundry to which clothes have been sent	25	...
S. 304, Sub-s. (1)(2) and (3)	Use of public conveyance by persons suffering from a dangerous disease,etc.	50	...
S. 306	Failure to disinfect buildings before letting the same	200	...
S. 307	Disposal of infected articles without disinfection	50	...

S. 308	Making or selling of food,etc.,or washing of clothes by infected persons	200	...
S. 309	Sale of food or drink in contravention of restriction or prohibition of the Commissioner	200	...
S. 310	Removal or use of water from wells and tanks in contravention of prohibition of Commissioner	100	...
S. 311	Exposure of persons to risk of infection by the presence or conduct of a person suffering from a dangerous disease, etc.	100	...
S. 312	Removal of infectious corpses in contravention of the provisions of the section	50	...
S. 313, Sub-ss, (1)	Absence of sweepers,etc.,from duty without notice	Imprisonment which may extend to one month	...
S. 314	A sweeper employed for doing house scavenging not to discontinue work without notice	10	...
S. 315	Failure to supply information by persons in charge of burning or burial grounds	50	...

S. 316	Use of new burning or burial ground without permission	50	...
S. 317, Sub-s. (1)	Failure to comply with requisition to close a burning or burial ground	50	...
S. 317, Sub-s. (2)	Burning or burial of corpses in a burial ground after it has been closed	50	...
S. 318	Removal of corpses by other than prescribed routes	10	...
S. 319	Sub-s. (1),clause (b), Failure to give notice for removal of corpses of dead animals	10	...
S. 322, Sub-ss. (1) and (2)	Failure to give information of births and deaths	100	...
S. 323, Sub-ss. (1) (2) and (3)	Commission of nuisances 500	20	
S. 324	Failure to comply with requisition for removal or abatement of nuisance	500	25
S. 325, Sub-s. (4)	Dogs not to be at large in a street without being secured by a chain lead	50	...
S. 325, Sub-s. (5)	Ferocious dogs at large without being muzzled,etc.	200	...
S. 326	Stacking inflammable material in contravention of prohibition	5,000	...
S. 327	Setting a naked light 50	...	
S. 328	Discharging fire-works,fire-arms,etc. likely to cause danger	500	...
S. 329	Failure to comply with requisition to render buildings,wells, etc., safe	200	...
S. 330	Failure to comply with requisition to enclose land used for improper purposes	200	...
S. 331, Sub-s. (1)	Sale in municipal without permission 200	...	
S. 332, Sub-ss. (1)	Use of places as private markets without a licence and use of places other than a municipal slaughterhouse as slaughter houses	500	25

S. 333, Sub-s. (2), proviso (a)	Non compliance with conditions,imposed by Commissioner	200	...
S. 335	Keeping market open without licence etc.	2,000	...
S. 336	Sale in unlicensed market	100	...
S. 337	Carrying on business or trades near a market	100	...
S. 340	Failure of person incharge of markets to expel lepers and disturbers from the market	100	...
S. 341	Carrying on butcher's fish-monger's or poultere's trade without licence,etc.	100	10
S. 342	Establishment of factory,etc,without permission	5,000	500
S. 343	Certain things not to be kept and certain trades and operations not to carried on without a licence	1,000	100

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S. 344, Sub-s. (3)	Keeping,abandonment or tethering of animals,etc.	200	...
S. 345, Sub-s. (5)	Use of premises in contravention of declaration	500	...
S. 346	Hawking articles for sale without a licence etc.	100	...
S. 347	Keeping a lodging house,eating house,tea shop,etc.,without licence or contrary to licence	100	15
S. 348	Keeping open theatre,circus or other place of public amusement without licence or contrary to terms of licence	1,000	100
S. 357, Sub-s. (5)	Failure to produce licence or written permission	100	20
S. 358	Preventing the Commissioner or any person authorised in this behalf from exercising his powers of entry etc.	200	...
S. 359	Preventing the Commissioner or any person authorised in this behalf from exercising his power of entry upon any adjoining land	200	...
S. 364	Obstruction or molestation in execution of work	500	...
S. 371, Sub-s. (4)	Failure to comply with requisition to state the name and address of owners of premises	100	...
S. 383, Sub-s. (3)	Failure of occupier of land or building to afford owner facilities for complying with provisions of the Act,etc. after eight days from issue of order by District Judge	200	50
S. 412	Obstruction of Mayor or any municipal authority etc.	500	...
S. 413	Removal of any mark set up for indicating level,etc.	100	...
S. 415	Unlawful removal of earth,sand or other material or deposit of any matter or making of any encroachment from any land vested in the Corporation	500	...

* Added vide Punjab Act No. 7 of 1995.
