# THE GREATER HYDERABAD MUNICIPAL CORPORATION ACT, 1955.

(ACT NO. II OF 1956)

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# THE GREATER HYDERABAD MUNICIPAL CORPORATION ACT, 1955.[1]

## ACT No. II OF 1956.

## CHAPTER - I
## Preliminary

1. (1) This Act may be called the [2][Greater Hyderabad Municipal Corporation] Act, 1955. Short title, extent and Commencement.

(2) It extends to the [2][city comprised by Greater Hyderabad Municipal Corporation] and shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,- Definitions.

(1) 'bakery or bake-house' means any place in which bread, biscuits, or confectionery are baked, cooked or prepared in any manner whatsoever for the purpose of sale;

(2) 'budget grant' means the total sum entered on the expenditure side of a budget estimate under a major head and finally adopted by the Corporation;

(3) 'building' includes a house, out-house, stable, latrine, godown, shed, hut, wall, fencing, platform and any other structure whether of masonry, bricks, wood, mud, metal or of any other material whatsoever;

1. The Hyderabad Municipal Corporations Act, 1955 received the assent of the President on the 14th February, 1956. The said Act as amended and in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Notification issued in G.O.Ms.No.134, MA&UD (F2) Department, dated 13.10.2015. 2. Substituted by Act No.13 of 2008.



(4) 'business' includes any trade, commerce or manufacture, or an adventure or any concern in the nature of trade, commerce or manufacture;

[3][(4-a) 'ceiling limit' means the ceiling limit as specified

Central Act 33 of 1976. in section 4 of the Urban Land (Ceiling and Regulation) Act, 1976;]

(5) 'cesspool' includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

4[(6) 'city' means the area declared by the State Government by notification to be the City of Greater Hyderabad.]

(7) 'Commissioner' means the Municipal Commissioner for the city appointed under section 104 and includes an acting commissioner appointed under section 110;

(8) 'company' means a company as defined in 5[the Companies Act, 1956] or formed in pursuance central Act of an Act of Parliament or of an Act of the of I956 Legislature of a State and includes any firm or association carrying on business in the 6[Telangana area of the State of Telangana] whether incorporated, or its principal place of business is situate therein, or not;

Central Act 1 of 1956.

(9) 'the corporation' means the Municipal Corporation of the City;

3. Inserted by Act No.7 of 1992.

4. Substituted by Act No.13 of 2008.

5. Substituted for the short title "the Indian Companies Act, 1913 (VII of 1913)" by the A.P.A.O.1957.

6. The words "State of Hyderabad" by the A.P.A.O.1957 and these words were substituted for the words "Hyderabad area of the State of Andhra Pradesh" by A.P. Act IX of 1961.



(10) '#[Member]' means a person who is duly elected or deemed to be duly elected as a #[Member] of the Corporation under this Act;

(11) 'cubical contents' when used with reference to the measurement of a building means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest storey, or where the building consists of one storey only, the upper surface of its floor;

(12) 'dairy' includes any farm, milk store, milk shop or other place from which milk is supplied only on or for sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk, for sale, and in the case of a dairy-man who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include -

(a) a shop from which milk is not supplied otherwise than in a properly closed and unopened vessel in which it was delivered to the shop; or

# Throughout the Act

| For | Substituted |
|---|---|
| 1. Councillor | Member |
| 2. Councillors | Members |
| 3. Division | Ward |

| | |
|---|---|
| 4. Divisions | Wards |
| 5. Constituency | Ward |
| 6. Constituencies | Wards |

[vide Act No.17 of 1994.]



(b) a shop or other place in which milk is sold for consumption on the premises only;

(13) 'dairy-man' includes any occupier of a dairy, any keeper of milch-kine who trades in milk, or any person who sells milk whether wholesale, or by retail;

(14) 'drain' includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejector, compressed air main, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

7[(14-a) 'Drainage' includes all liquid discharges except sewerage;]

(15) 'eating house' means any premises to which the public or any section of the public are admitted and where food is prepared, supplied or sold for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

8[(15-A) 'election authority' means such officer or authority as may appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipal Corporations;]

(16) 'Election Tribunal' means a tribunal constituted under section 75;

7. Inserted by Act No.6 of 1982.

8. Substituted by Act No.17 of 1994.



(17) 'Factory' means a factory as defined in the Factories Act, 1948, and includes any premises as also its precincts wherein an industrial, manufacturing or trade process is carried with the aid of steam, water, oil, gas, electricity or any other form of power which is mechanically transmitted and is not generated by human or animal agency; Act 63 of 1948.

(18) 'filth' means-

(a) night soil or other contents of latrines, cess-pools and drains:

(b) dirt, dung, refuse, useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid or putrifying substance;

9[(18-a) 'Finance Commission' means the Finance Commission constituted by the Governor under article 243-I of the Constitution of India;]

(19) 'financial year' means the year beginning on the first day of April or such other date as the Government may by notification appoint;

(20) 'food' includes every article other than drugs and water used by human beings for purposes of eating or drinking, any material or substance used or admixed in the composition, preparation, flavouring or colouring of such article and all confectionery, spices and condiments;

(21) 'frame building' means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such frames;

9. Added by Act No.17 of 1994.



(22) 'goods' includes animals;

10[(22-a) 'high rise building' means and includes all buildings with eighteen (18) meters or more in height measured from the average level of the central line of street on which the site abuts. Staircase rooms, Lift rooms, Chimneys, elevated tanks above the top most floor and architectural features are excluded from the height of such buildings;]

(23) 'house-drain' means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communication with a municipal drain;

(24) 'house-gully' means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or for affording access to municipal servants or to persons employed in the cleansing of a privy, urinal, cesspool or other receptacle for filth or polluted matter, or in the removal of such matter therefrom;

(25) 'hut' means any building which is constructed principally of wood, mud, leaves, grass, cloth or thatches and includes any temporary structure, of whatever size or material, which the Corporation may for the purposes of this Act declare to be a hut;

(26) 'infectious disease' means cerebro-spinal fever, chicken-pox, cholera, diphtheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws, or any other disease which the Government may by notification declare to be prevalent either generally throughout State or City or in such part or parts thereof as may be specified in the notification;

10. Inserted by Act No.9 of 2008.



(27) 'the judge' means 11[in the cities of Hyderabad and Secunderabad, the Chief Judge, Court of Small Causes, Hyderabad] and shall include a Sub-Judge to whom such Judge may transfer in accordance with the provision of this Act an application or appeal for disposal;

(28) 'land' includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(29) 'licensed' means a person licensed under this Act;

(30) 'Local authority' includes Municipal Corporation, City and Town Municipalities, 12District Boards and Cantonment Board;

(31) 'lodging-house' means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(32) 'market' includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, livestock, food for livestock, meat, fish, fruit, vegetables, animals intended for human consumption or any other article of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business carried on in or on the persons frequenting such place by the owner thereof or any other person;

11. Substituted for "in the City of Hyderabad the First Judge of the Court of Small Causes and in the City of Secunderabad the District Judge" by A.P. Act III of 1959.

12. Now Zilla Praja Parishads.



(33) 'masonry building' means any building, other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

13[(33-a) 'minerals water' means mineral water as defined in item A-32 of Appendix B to the Prevention of Food Adulteration Rules, 1955, framed under section 23 of the Prevention of Food Adulteration Act, 1954;]

(34) 'municipal building', 'municipal drain', 'municipal market', 'municipal slaughter house' or 'municipal water works' means a building, drain, market, slaughter house or water works as respectively vest in or are managed by the Corporation under this Act;

(35) 'nuisance' includes any act, omission, place 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 of the public or of persons in general who dwell in the vicinity, or occasion to exercise a public right;

(36) '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) a rent-free tenant,

(c) licensee in occupation of any land or building, and

13. Inserted by Act No.36 of 2007.



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

(37) 'octroi' means a cess levied on goods at the time of their entry into the limits of a City for purposes of consumption, use or sale therein;

(38) 'offensive matter' includes-

(a) filth,

(b) sewage,

(c) dust, house-sweeping, spittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery-debris and waste paper;

(39) 'owner' means—

(a) when used with reference to any premises, the person who receives, the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes-

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable or educational purposes;

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of the said premises; and

(iv) a mortgagee-in-possession; and



(b) when used with reference to any animal, vehicle or boat includes the person for the time being in charge of the animal, vehicle or boat;

14[(39-a) 'Population' or 'population as at the last census' with all its grammatical variations and cognate expressions, means the population as ascertained at the 15[last census] of which all the relevant and necessary figures have been published;]

16[(39-b) 'packaged drinking water' (other than Mineral Water) means water manufactured, packaged, sealed, labelled and meant for commercial use for drinking purpose to the general public;]

(40) 'premises' includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

(41) 'prescribed' means prescribed by rules made by Government under this Act;

(42) 'private street' means any street, which is not a 'public street' but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(43) 'privy' means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aquaprivy, a latrine and a urinal;

14. Inserted by Act No.14 of 1981.

15. For the words "last proceeding census" the words "last census" substituted by Act No.33 of 1986.

16. Inserted by Act No.36 of 2007.



(44) 'public place' includes any park or garden, ground or any other place to which the public have or are permitted to have access;

(45) 'public securities' means-

(a) securities of the Central Government or any State Government,

(b) stocks, debentures or shares, the interest whereon has been guaranteed by the Central or any State Government,

(c) debentures or other securities for money issued by or on behalf of any local authority,

(d) securities expressly authorised by any order which the Government makes in this behalf;

(46) 'public street' means any street over which the public have a right of way, whether a thoroughfare or not and includes—

(a) a broadway over or a footway attached to any public bridge or cause-way, and

(b) the drain attached to any such street, public bridge or cause-way and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

17[(46-a) 'qualifying date' in relation to the preparation and publication of every electoral roll under this Act, means

17. Inserted by Act No.20 of 1978 and subsequently substituted by Act Nos.22 of 1981; 34 of 2001.

the first day of January of the year in which it is so prepared and published;]

18[(46-b) 'Recognised Political Party' and 'Registered Political Party' shall have the meanings respectively assigned to them in the Election Symbols (Reservation and Allotment) Order, 1968, issued by the Election Commission of India under article 324 of the Constitution of India and in the Registration of Political Parites and Allotment of Symbols Order, 2001, issued by the State Election Commission under article 243 K read with article 243 ZA of the Constitution of India;]

(47) 'rack rent' means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises;

(48) 'rateable value' means the value of any building or land fixed in accordance with the provisions of this Act and the rules made thereunder for the purpose of assessment to property taxes;

(49) 'rubbish' includes dust, ashes, broken bricks, mortar waste, garden refuse and refuse of any kind which is not offensive matter or sewage;

(50) 'Schedule' means the schedule annexed to this Act;

(51) 'sewage' means night soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places and includes trade effluent and discharges from manufactories of all kinds;

18. Inserted by Act No.28 of 2005.



19[(51-a) 'State Election Commission' means the State Election Commission constituted in pursuance of article 243-K of the Constitution of India;]

(52) 'street' includes any highway, and any cause-way, bridge, viaduct, arch, road, land, footway, sub-way, court, alley or riding path or passage, whether a through fare or not; and, when there is a footway as well as a carriage way in any street, the said term includes both;

(53) 'sweet meat shop' means any premises or part of any premises used for the manufacture, treatment or storing for sale, whether wholesale or retail, of any ice-cream, confectionery or sweetmeat of any kind whatsoever, for whomsoever intended and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises;

(54) '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 sewage;

20[(55) 'vehicle' means a carriage, cart, van, dray, truck, handcart, bicycle, tri-cycle, cycle-rickshaw, and every wheeled conveyance which is used or is capable of being used on a street but does not include a motor vehicle within the meaning of the Motor Vehicles Act 1939;]

19[(55-a) 'Wards Committee' means a Wards Committee constituted under section-8A;]

19. Inserted by Act No.17 of 1994.

20. Substituted by Act No.18 of 1965.

(56) 'water closet' means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(57) 'water connection' includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on any private property and connected with a water-main or pipe belonging to the Corporation; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(58) 'water-course' includes any river, stream or channel;

(59) 'water for domestic purposes' shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes;

(60) 'water works' includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct whether covered or open, sluice, mainpipe, culvert, engine, water-truck, hydrant, stand-pipe, conduit and machinery, land, building or thing for supplying or used for supplying water or for protecting services of water supply.



Constitution of for the City Corporation.

21[3. (1) There shall be established a Municipal Corporation of Greater Hyderabad with effect from the date of notification under sub-section (3):

Provided nothing in this sub-section shall prevent the Government form establishing, with a view to secure efficiency and economy in the Municipal administration, a single Corporation for Greater Hyderabad on such terms and conditions as may be specified in the notification published in the *Telangana Gazette in this behalf.

(2) The Corporation established under sub-section (1) shall be a body corporate by the name of Greater Hyderabad Municipal Corporation and shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act, or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

(3) Government may, from time to time, after consultation with the Corporation, by notification in the *Telangana Gazette, alter the limits of the City as declared under clause (6) of section 2 so as to include therein or to exclude therefrom, the areas specified in the notification.

21. Section 3 substituted with marginal heading by Act No.13 of 2008.

* Throughout the Act

For Substituted

[Act No.5 of 1969.]

2. Andhra Pradesh Telangana

[G.O.Ms.No.134, Municipal Administration & Urban Development (F2) Department, dated 13.10.2015.]

22[(3A) Notwithstanding anything contained in sub-section (3), the areas mentioned in Schedule 'W' of this Act shall stand included and form part of the City:

(a) where an elected body of the Gram Panchayat constituted for such area prior to the commencement of the Telangana Panchayat Raj Act, 2018 is in existence on the date of expiry of the term of such elected body;

(b) where no elected body of the Gram Panchayat constituted for such area prior to the commencement of the Telangana Panchayat Raj Act, 2018, is in existence on the date of such commencement.]

(4) The power to issue a notification under sub-section (3) shall be subject to previous publication.]

## CHAPTER - II.

## The Municipal Constitution.

### Municipal Authorities.

Municipal authorities charged with the execution of the Act.

4. The Municipal authorities charged with carrying out the provisions of this Act are:—

(a) a Corporation;

(b) a Standing Committee;

(c) a Commissioner;

23[(d) the Wards Committee.]

22. Inserted (sub-section (3A)) by Act No.4 of 2018. 23. Added by Act No.17 of 1994.



### The Municipal Corporation.

24[Composition of Corporation Corporation.]

5. 24[(1) Subject to the provisions of sub-section (2) the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the *Telangana Gazette, in accordance with such principles as may be prescribed.]

25[(1A) Every member of the Legislative Assembly of the State and every member of the House of the People representing a 26[constituency] of which the Corporation or a portion thereof forms part, 27[and every member of the Council of the State registered as an elector within the area of the Municipal Corporation 28[and every Member of the Legislative Council of the State registered as an elector within the area of the Municipal Corporation 29[XXX]] shall be ex-officio councillor of the Corporation]:

Provided that a Member of the Legislative Assembly or a Member of the House of the People representing a 30[constituency] which comprises a portion of the Corporation and a part of any municipality or municipalities, shall be ex-officio Councillor of either the Corporation or of one such municipalities, which he chooses; and he shall also have the right to take part in the proceedings of any meetings of the other municipal councils or Corporation, as the case may be, within the 30[constituency], but shall not be entitled to vote at any such meeting.]

24. Sub-section (1) of section 5 substituted by Act No.14 of 2005 & marginal heading of section 5 substituted by Act No.13 of 2008.

25. (1A) substituted with proviso along with (1B) by Act No.11 of 1991. 26. For the word "ward" the word "Constituency" substituted by Act No.29 of 2005.
27. Substituted by Act No.17 of 1994.
28. Inserted by Act No.5 of 2008.
29. Omitted by Act No.5 of 2016 (w.e.f.04.02.2016).
30. Substituted by Act No.29 of 2005.



31[(1-B) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(1-C) Two persons belonging to the minorities of whom one shall be woman be co-opted as members of the Corporation in prescribed manner by the members of the Corporation specified in sub-sections (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.]

32[(1-D)] No person shall be a member in more than one of the categories specified in 33[sub-sections (1), (1A), (1B) and (1C)]. A person who is or becomes a member of the Corporation in more than one such category shall, by notice in writing signed by him and delivered to the Commissioner, within fifteen days from the date on which he

31. Sub-sections (1-B) and (1-C) of section 5 substituted by Act No.29 of 2005.

32. (1B) renamed as (1D) by Act No.17 of 1994. 33. Substituted by Act No.17 of 1994.



so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category. In default of such intimation within the aforesaid period, his membership in the Corporation in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrecoverable.

34[(2) In the Corporation out of the total strength of elected members, the Government shall, subject to the rules as may be prescribed, by notification reserve,-

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, 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 the Scheduled Castes, as the case may be, the Scheduled Tribes in the Corporation bears to the total population of the Corporation; and such seats may be allotted by rotation to different wards in the Corporation;

(b) one third of the seats for the members belonging to the Backward Classes; and such seats may be allotted by rotation to different Wards in the Corporation;

35[XXX]

(c) 36[fifty percent] of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;

34. Substituted by Act No.17 of 1994. 35. Proviso omitted by Act No.1 of 1995.

36. Substituted by Act No.20 of 2020.



(d) 37[fifty percent] (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different Wards in a Corporation.]

38[(e) the allotment by rotation to different Wards as provided under clauses (a), (b) and (d) once made, shall be in force for two consecutive terms.]

39[(2-A) [XXX]]

40[(3) [XXX]]

41[Explanation:- In this section,-

(i) the expression 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(ii) the expression 'Backward Classes' means any socially, and educationalIy Backward Classes of citizens recognised by the Government for purposes of clause (4) of article 15 of the Constitution of India, 42[without reference to the classification but including the creamy layer amongst such Backward Classes of citizens].

37. Substituted by Act No.20 of 2020.

38. Inserted by Act No.20 of 2020.

39. Omitted by Act No.24 of 1974.

40. Omitted by Act No.13 of 2008.

41. Explanation substituted by Act No.33 of 1986. 42. Added by Act No.4 of 2011.



43[(iii) For the purposes of clauses (a), (b), (d) and (e), the 50% reservation of wards in the Corporation implemented vide G.O.Ms.No.25, MA & UD, dated: 08.01.2016 to Scheduled Tribes, Scheduled Castes, Backward Classes and Women on the basis of total number of seats as prescribed in G.O.Ms.No.169, MA & UD, dated: 23.11.2015 and G.O.Ms.No.186, MA & UD, dated: 11.12.2015, shall be treated as first term, as the elections to the Corporation were conducted on 02.02.2016.]

Term of Office of #[Members]

6. 44[(1) The term of office of elected #[members] shall, save as otherwise expressly provided in this Act, be five years from the date appointed for the first meeting of the Corporation under clause (b) of section 88 and the last day of their term of office is in this Act referred to as the day for retirement.] Term of office of #[Members].

45[(3) An ex-officio #[Member] shall hold office so long as he continues to be the member of the Legislative Assembly of the State or the Legislative Council of the State or the House of the People, as the case may be.]

7. (1) Every general election requisite for the purpose of Elections when to

this Act shall be held [46][XXX] in the manner prescribed, within three months before the day for retirement of the Councillors as specified in section 6. be held.

[47][(2) Every casual vacancy in the office of an elected member of a Municipal Corporation shall be reported by the

43. Added by Act No.20 of 2020.

44. Substituted sub-section (1) (for sub-sections (1) and (2)) by Act No.18 of 1992.

45. Inserted by Act No.24 of 1974.

46. The words "by the Commissioner" omitted by Act No.25 of 1995. 47. For sub-section (2) with proviso, sub-sections (2) to (4) substituted by Act No.28 of 2005.



Commissioner to the State Election Commission within fifiteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(3) A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) No casual election shall be held to a Municipal Corporation within six months before the date on which the term of office of its members expires by efflux of time.]

Qualifications and Disqualifications of Voters.

Division of Corporation into #[wards] etc., for the purpose of election of #[members].

[48][8. [49][(1) For the purpose of election of members of the Corporation, the Government shall, by notification in the *Telangana Gazette, divide the City into as many wards as the number of members notified under sub-section (1) of section 5 in such manner as may be prescribed:]

[50][(2) [XXX]]

(3) Where a notification issued under sub-section (1) results in the material alteration of the existing #[ward] of the city into #[wards], the Government may direct that the alteration shall take effect from the date of next ordinary elections.

(4) Where any local area within the jurisdiction of any other local authority is included in the city [51][XXX] the local

48. Section 8 substituted with marginal heading by Act No.5 of 1969. 49. Substituted (for sub-section (1) and the proviso) by Act No.13 of 2008.

50. Omitted by Act No.13 of 2008.

51.The words "under section 3" omitted by Act No.13 of 2008.



area shall be added to such adjoining #[ward] or #[wards] of the city as the Government may direct.

[52][(4A) Where any local area comprised in a Gram Panchayat constituted under the [53]Andhra Pradesh Gram Panchayats Act, 1964 is included in a Corporation, the Act 2 of 1964.

Government may direct that the electoral roll relating to the said local area shalI be adopted suitably for the purpose of elections under this Act, until an electoral roll for such area is prepared in accordance with the provisions of this Act.]

(5) When a new #[ward] is formed or when an existing #[ward] is abolished, the Commissioner shall with the approval of the Government determine-

(a) the #[ward] which each elected #[member] then in the Corporation shall be deemed to represent; and

(b) the #[ward] or #[wards] in which elections shall be held to fill up the vacancies, if any, in the Corporation.]

Constitution of Ward Committees.

54[8-A. (1) There shall be constituted four (4) Ward Committees for each Ward of the Corporation in the manner as prescribed under this Act.

(2) Each Ward Committee shall consist of a maximum of 25 members consisting of residents from the Ward and from among the resident welfare associations, community based organizations, other such groups and individuals, by rotation annually and shall be entrusted with taking up issues pertaining to each of these groups pertaining to that Ward:

52. Sub-section (4A) of section 8 inserted by Act No.8 of 1987.

53. See now the Telangana Panchayat Raj Act, 2018 (Act No.5 of 2018). 54. Section 8-A substituted with marginal heading by Act No.20 of 2020.



Provided that half of the members to be nominated to the Ward Committees shall be women.

(3) These Ward Committees shall meet once in a quarter and salient issues raised by them pertaining to their ward be placed before the next Corporation meeting.]

Functions of Ward Committees.

55[8-B. (1) The Ward Committee constituted in a Ward, shall take up issues pertaining to each of the groups which the particular Ward Committee represents and among others will discuss and ensure,-

(a) proper maintenance of sanitation and solid waste management, and construction and demolition waste management;

(b) tree plantations, Haritha Haram and survival of at least 85% plants;

(c) maintenance of parks, playgrounds, public toilets, street lights, markets and public places;

(d) facilitate collection of taxes, fees and other such dues to the Corporation;

(e) prevention of unauthorised constructions and encroachments and taking it up with the authority to have them demolished;

(f) discourage use of plastics;

(g) encourage art and cultural activities, sports and games.

(2) The minutes of the meeting shall be drawn and placed in the next Corporation meeting for discussion and

55. Section 8-B substituted with marginal heading by Act No.20 of 2020.



the Secretary shall be responsible for placing the minutes in the next Corporation meeting.]

State Election Commission.

56[9. The preparation of electoral rolls for, and the conduct of elections to the Corporation shall be under the

superintendence, direction and control of the State Election Commission.]

Powers and functions of the State Election Commissioner.

[57][10. (1) All elections to the Municipal Corporations shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner of the concerned Municipal Corporation, District Collector or any officer or servant of the Government and the Municipal Corporation concerned institutions so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electrol rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government and the Municipal Corporations for the purpose of conduct of elections under this Act.

56. Sections 9 to15 substituted by Act No.15 of 1975. Subsequently sections 9 to15 substituted by Act No.20 of 1978. And again substituted with marginal heading by Act No.17 of 1994.

57. Section 10 inserted with marginal heading by Act No.28 of 2005.



(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers as he may deem necessary.]

[58][(6) The State Election Commission shall issue the notification and schedule for general election and elections for casual vacancies in Greater Hyderabad Municipal Corporation in concurrence with the State Government, which while giving concurrence has to consider matters pertaining to Law and Order situation, internal security, availability of police, security personnel, home guards, central armed police forces and the logistics of their deployment, availability of staff for election related duties, availability and procurement of election related material and premises for polling and counting, conduct of elections to other legislative and statutory bodies, natural calamities and seasonal conditions including drinking water situation and agricultural season, major fairs and festivals, education calendar and examination in schools and colleges, onset of any epidemic diseases, operations relating to collection of vital statistics like census or any other enumeration and matters involving public interest and any other administrative exigencies.]

[59][11. [XXX]]

Preparation, revision and publication of electoral roll for Corporation.

[60][12. [61][(1) The [62][XXX] electoral roll for the Corporation shall be prepared [63][by the person authorised by the State Election Commissioner] in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Corporation shall come into force immediately

58. Sub-section (6) inserted by Act No.4 of 2018.

59. Section 11 omitted by Act No.34 of 2001.

60. Section 12 substituted with marginal heading by Act No.20 of 1978. 61. Substituted by Act No.22 of 1990.
62. The words "draft of the" omitted by Act No.34 of 2001.
63. Substituted by Act No.34 of 2001.



64[upon its publication] in accordance with the rules made by the Government in this behalf. The 65[XXX] electoral roll for the Corporation shall consist of such part of the electoral roll for the Assembly constituency published under the Representation of the People Act, 1950 as revised or Central Act 43 of 1950. amended under the said Act, upto the qualifying date, 66[as relates to the City or any portion therof:]

67[Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under section 22 or section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of Central Act 43 of 1950. election notification, for any election held under this Act, shall be carried out in the electoral roll of the Corporation and any such names included shall be added to the part relating to the concerned ward.]

68[EXPLANATION:- Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the 66[City] all persons whose names are entered in such roll under the registration area comprising the 66[City] and whose addresses as entered are situated in the 66[City] shall be entitled to be included in the electoral roll for the Corporation prepared for the purposes of this Act.]

69[(2) The electrol roll for a Corporation,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-

64. Substituted by Act No.34 of 2001.
65. The words "draft of the" omitted by Act No.34 of 2001. 66. Substituted by Act No.13 of 2008.
67. Proviso inserted by Act No.34 of 2001.
68. Substituted by Act No.22 of 1990.
69. Substituted by Act No.34 of 2001.



(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the 70[Member of the Corporation]; and

(b) shall be prepared and published in any year,in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.]

71[XXX]

72[(3) 73[The electoral roll] published under sub-section (1) or the electoral roll republished under sub-section (8) shall be the electoral roll for the Corporation and shall

remain in force till a fresh electoral roll for the Corporation is published under this section.

(4) The electoral roll for the Corporataion shall be divided into as many lists as there are divisions.

(5) Every person whose name appears in the list of the electoral roll relating to a division shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that division while the electoral roll remains in force and no person whose name does not appear in such list of the electoral roll shall vote at any such election.

70. Substituted by Act No.13 of 2008.

71. Existing sub-section (3) of section 12 omitted by Act No.34 of 2001. 72. Section 12 - existing sub-sections (4) to (8) renumbered as sub-sections (3) to (7) by Act No.34 of 2001.

73. Substituted for "the final electoral roll" by Act No.34 of 2001.



(6) No person shall vote at an election under this Act in more than one division or more than once in the same division and if he does so, all his votes shall be invalid.

(7) Where, after the electoral roll for the Corporation or any alteration thereto has been published under this Act, the Corporation is divided into divisions for the first time or any division of the Corporaion is altered or the limits of the Corporation are varied, the electoral authority shall, as soon as may be, after such division or alteration or variation, as the case may be, in order to give effect to the division of the Corporaion into divisions or to the alteration of the division or to the variation of the limits, as the case may be, authorize a rearrangement and republication of the electoral roll for the Corporation or any list of such roll, in such manner as it may direct.

74[Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the *Telangana Legislative Assembly.]

75[(9) [XXX]]

76[12A. With a view to preventing impersonation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer or Polling Officer of a Polling Station by every such elector, of his identify card before the delivery of a ballot paper or ballot papers to him, if under the rules made in that behalf under the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950, electors of the Legislative Assembly Constituency or Constituencies in which the Municipal Corporation is situated, have been supplied with identify cards with or without their respective photographs attached thereto.]

Voter Identity Cards.

Central Act 43 of 1950.

74. Explanation to sub-section (7) of section 12 added by Act No.34 of 2001.

75. Sub-section (9) omitted by Act No.34 of 2001.

76. Section 12A inserted with marginal heading by Act No.28 of 2005.



77[13. [XXX]

14. [XXX]]

Breach of official duty in connection with the preparation etc, of electoral rolls.

78[15. (1) If any officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the electoral authority.]

Custody and preservation of each list.

16. (1) Three complete copies of the preliminary list for constituency and all statements submitted to the Commissioner be kept in the office of the Commissioner or at such other place as the 79[State Election Commissioner] may by order specify for a period of one year unless their retention for a longer period is ordered by the 79[State Election Commissioner.]

77. Sections 13 & 14 omitted by Act No.34 of 2001.

78. Section 15 substituted with marginal heading by Act No.20 of 1978. 79. Substituted by Act No.25 of 1995.



(2) All claims and objections to any preliminary list and, the decisions of the Revising Authority thereon shall be kept in the office of the Commissioner or at such other place as the 80[State Election Commissioner] may by order specify until the completion of the next annual preparation of the list for such constituency.

(3) Such number of copies of the final list for each constituency as may be specified by the 80[State Election Commissioner] shall be kept in the office of the Commissioner or at such other place as the 80[State Election Commissioner] may by order specify until the final publication of the next list for such constituency.

(4) One complete copy of the final list for each constituency shall be kept for permanent deposit in such place as the 80[State Election Commissioner] may by order specify.

(5) All copies of the final list for each constituency deposited under sub-section (3) or the copy of the final list for each constituency deposited under sub-section (4) shall before deposit be duly authenticated by the Commissioner or any officer authorised by him in this behalf.

(6) Printed copies of the final constituency list as deposited shall be available for sale to the public until the final publication of the next list for the constituency to which it relates and thereafter such list may be disposed of in such manner as the authority with whom they are deposited may direct.

(7) Every person shall have a right to inspect the papers referred to in sub-sections (1), (2) and (3) and to get attested copies thereof on payment of such fees as may be fixed by the 80[State Election Commissioner].

80. Substituted by Act No.25 of 1995.



## Corrupt Practices

Corrupt practices.

81[17. The following shall be deemed to be corrupt practices for the purposes of this Act-

(1) Bribery, that is to say,-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly, of inducing,-

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to-

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

(B) The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing

81. Section 17 substituted for existing sections 17, 18 & 19 by Act No.28 of 2005.



or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation:- For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratification estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to thereon, who-

(i) threatens any candidate or any elector or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere, with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;



(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain

form voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols, or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of prejudicially affecting the election of any candidate.

(5) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation:- For the purpose of this clause, "Sati" and "glorification" in relation of sati shall have the meanings

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respectively assigned to them in the Commission of Sati (Prevention) Act, 1987. Central Act 3 of 1988.

(6) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(7) The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation:- In this clause the expression "vehicle" means any vehicle used or capable of being used for the

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purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(8) The incurring or authorizing of expenses in contravention of section 617B.

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State or Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a Local Authority or a Corporaion owned or controlled by the State or Central Government in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for to or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(10) Booth capturing by a candidate or his agent or any other person.

Explanantion:- (1) In this section the expression 'agent' includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election with the consent of the candidate.

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(2) For the purposes of clause (9), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause (9), notwithstanding anything contained in any other law, the publication in the *Telangana Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof,-

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and

(ii) Where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.]

Disqualification for voting, for being and continuing as a #[Member].

Disqualification for voting.

20. (1) Any person who has been convicted under section 171-E or 171-F of the Indian Penal Code shall for five years from the date of such conviction be disqualified from voting at any election of the Corporation.

(2) Any person who has been found guilty of any corrupt or illegal practice in elections held under this Act, or any other law for the time being in force, shall be disqualified from voting at any election of the Corporation

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for a period of six or four years respectively from the date on which the person is found so guilty.

(3) If default is made in making the return of the election expenses of any candidate who has contested the election held under this Act or if such

return is found either upon the trial of an election petition or by any court in a judicial proceeding, to be false in any material particular, the candidate shall be disqualified for voting at any election of the Corporation for a period of five years from the date by which the return was required to be lodged.

(4) Any disqualification under sub-sections (1), (2) and (3) may be removed by Government for reasons to be recorded in writing:

Provided that any removal of disqualification under this sub-section shall not qualify a person to vote or to be elected as a councillor in any by-election held during the period for which, but for such disqualification he would have been continued as a Councillor.

Disqualification on ground of corrupt practice or election offences.

82[20A. Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code, 1860, or any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed under this Act or any person convicted of an offence punishable under sections 599 to 610, section 610 A and section 611 shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

Central Act 45 of 1860.

82. Sections 20A & 20B inserted with marginal headings by Act No.28 of 2005.



Disqualification for failure to lodge account of election expenses.

20B. If the State Election Commission is satisfied that a person,-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the *Telangana Gazette, declare him,-

(i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and

(ii) to have ceased to hold office, in case he is elected.]

Qualification for being elected as a #[member].

21. (1) Subject to the provisions of this Act a person who is registered in any #[ward] list 83[and who is not less than twenty one years of age] shall be qualified to be elected as a #[member] for any of the #[wards] in the city.

(2) Any person who ceases to be a #[member] shall if qualified, under sub-section (1) and not otherwise disqualified be eligible for re-election as such.

General disqualification.

84[21A. A person shall be dis-qualified for being chosen as, or for being a member of a Corporation if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

83. Inserted by Act No.20 of 1978.

84. Section 21A & 21B inserted with marginal headings by Act No.17 of 1994.

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years.

Person having more than two children to be disqualified.

21B. A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 (hereinafter in this section referred to as the date of such commencement) of an additional child [85][or children] shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children excluding the child [85][or children] if any born within one year from the date of such commencement shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase:

[85][Provided also that where a person is having one child through first delivery and more than one child are born in the subsequent delivery, such person shall not incur disqualification under this section:]

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.]

Disqualification for being a [#][member].

22. (1) Subject to the provisions of this Act, a person shall be disqualified for being elected as a [#][member] if such person is at the date of election-

(a) one who has been sentenced by any Court to imprisonment or for an offence involving moral turpitude

85. Inserted by Act No.15 of 2011.



[86][XXX] such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to transportation or imprisonment:

Provided that, on the expiry of such sentence the disqualification incurred under this clause shall cease;

(b) is of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper;

[87][(bb) already a member or Sarpanch of a Gram Panchayat or a member of a Mandal Praja Parishad or Zilla Praja Parishad constituted under the provisions of the [88]Telangana Panchayat Raj Act, 1994 or a member of a Nagar Panchayat or Municipality constituted under the provisions of the [89]Telangana Municipalities Act, 1965;]

(c) holds any office or place of profit under Government or under the Corporation or under any local authority:

[90][Provided that nothing in this clause shall apply to a person who, for the time being, is holding the office of the Chairman of an Urban Development Authority for the

development area comprising the Corporation, constituted under sub-section (1) of section 3 of the [91]Telangana Urban Areas (Development) Act, 1975;] Act 1 of 1975.

(d) is an undischarged insolvent;

86. Omitted by Act No.1 of 1995.

87. Inserted by Act No.5 of 2008.

88. See now the Telangana Panchayat Raj Act, 2018 (Act No.5 of 2018). 89. Adapted by G.O.Ms.No.142, Municipal Administration & Urban Development (A2) Department, dated 29.10.2015.

90. Added by Act No.7 of 1982.

91. Adapted by G.O.Ms.No.148, Municipal Administration & Urban Development (M1) Department, dated 31.10.2015.



(e) holds any judicial office with jurisdiction within the limits of the city;

(f) is employed as paid legal practitioner on behalf of the Corporation, or accepts employment as legal practitioner against the Corporation;

(g) having been a legal practitioner he has been dismissed or is under suspension by order of the High Court on any of the following grounds; the disqualification in the latter case being operative during the period of suspension:-

(i) a criminal offence implying a moral defect of character,

(ii) being guilty of fraudulent conduct;

(h) subject to the provisions of sub-section (2) has directly or indirectly, by himself or his partner or if he belongs to a Joint Hindu Family, by any member of such family, any share or interest in any contract or has employment with, by or on behalf of the Corporation;

(i) has been dismissed from the service of the Government, Corporation or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service;

[92][(j) [XXX]]

(k) had been disqualified for voting under section 20, unless such period has elapsed for which he was disqualified for voting.

92. Omitted by Act No.28 of 2005.



(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his-

(a) receiving pension from the Corporation;

(b) having any share or interest in-

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

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

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

(iv) any Joint Stock Company or any Society registered or deemed to be registered under [93][the Telangana Co-operative Societies Act, 1952] which shall Act XVI of 1952.

contract with or be employed by the Commissioner on behalf of the Corporation;

(v) the occasional sale to the Commissioner on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any financial year rupees five thousand; or

(vi) the occasional letting out on hire to or hiring from the Corporation of any article for an amount not exceeding in the aggregate in any financial year rupees one thousand;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Corporation.

93. The Act was repealed by the Andhra Pradesh Co-operative Societies Act, 1964. Now see the Telangana Co-operative Societies Act, 1964.



Disqualification for continuing as #[member].

23. (1) A #[member] shall cease to be a #[member] if he-

(a) is or becomes subject to any of the disqualifications specified in section 22;

94[(aa) is elected to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes, and subsequently the community certificate on the basis of which he is elected is cancelled under section 5 of Act 16 of 1993. 95the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993;]

(b) ceases to reside in the City;

(c) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the Corporation, within three months from the date of service of a notice requiring payment thereof issued by the Commissioner, which it shall be his duty to issue and cause to be served at the earliest convenient date;

(d) absents himself at more than three consecutive meetings of the Corporation unless leave so to absent himself, which shall not exceed six months, had been granted by the Corporation or absents himself for over six consecutive months from meetings of the Corporation:

Provided that no meeting from which a #[member] absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him:

94. Inserted by Act No.28 of 2005.

95. Adapted by G.O.Ms.No.5, Scheduled Castes Development (POA.A2) Department, dated 08.08.2014.



96[Provided further that nothing in this clause shall apply to an ex-officio #[member].]

Explanation.- A special meeting held under clause (d) of section 88 and a meeting called upon written requisition under clause (h) of section 88 shall not be deemed to be a meeting within the meaning of this clause.

(2) When a #[member] ceases to be a #[member] under clause (d) of sub-section (1), the Commissioner shall at once intimate the fact in writing to such #[member] and report the same to the Corporation at its next meeting. If such #[member] applies for restoration of office to the Corporation on or before the

date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Corporation may at the meeting next after the receipt of such application or suo motu at the said meeting restore him to his office as #[member]:

Provided that a #[member] shall not be so restored more than twice during his term of office.

97[23A. [XXX]

23B. [XXX]

23C. [XXX]]

Authority to decide questions of disqualifications of #[Members] and Mayor.

97[23D. (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected as a #[member] has not qualified or has become disqualified under 98[section 21, section 21-A, section 22 or section 23] and the Commissioner has given intimation of such allegation to the #[member] and such #[member] disputes the correctness of the allegation so made or where any #[member] himself entertains any doubt whether or not he has become disqualified under any of those sections,-

(a) such #[member] or any other #[member] may, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, and

(b) the Commissioner shall, either on the direction of the #[member] with the approval of the Government if no such direction is given within a period of two months from the date of placing of the matter by the Commissioner before the council, apply for a decision to the Chief Judge, City Civil Court, Hyderabad.

99[(2) [XXX]]

(3) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.

(4) Pending such decision, the #[member] shall be entitled to act as if he was not disqualified.]

96. Inserted by Act No.24 of 1974.

97. Sections 23A to 23D inserted by Act No.9 of 1987 and sections 23A to 23C omitted by Act No.17 of 1990.

98. Substituted by Act No.14 of 2005.



Conduct of Elections.

Notification to call upon #[wards].

24. For the purpose of holding elections under this Act the 100[State Election Commissioner] shall by one or more notifications published in the *Telangana Gazette, 101[XXX] call upon all the #[wards] to elect #[members] in accordance with the provisions of this Act and of rules and orders made

99. Omitted by Act No.17 of 1990.

100. Substituted by Act No.25 of 1995.

101. Omitted by Act No.25 of 1995.

thereunder, before such date or dates as may be specified in the said notification or notifications:

[102][Provided that the Election Commission shall issue such notification or the Schedule and dates on which election will be conducted in concurrence with the State Government, which has to consider matters pertaining to law and order situation, internal security, security personnel, central armed police forces and the logistics of their deployment, availability of staff for election related duties, availability and procurement of election related material and premises for polling and counting, conduct of elections to other legislative and statutory bodies, natural calamities and seasonal conditions including drinking water situation and agricultural season, major fairs and festivals, education calendar and examinations in schools and colleges, likely onset of any epidemic diseases, operations relating to collection of vital statistics like census or any other enumeration, and matters involving public interest and any other administrative exigencies:]

Provided [102][further] that for the purpose of holding election under sub-section (1) of section 7 no such notification shall be issued at any time earlier than four months prior to the day for retirement of the [#][Members].

Returning Officer for each [#][ward].

25. For each [#][ward] there shall be a Returning Officer who shall be such officer as the Commissioner may, with the approval of the [103][State Election Commissioner], designate or nominate:

Provided that nothing in this section shall prevent the Commissioner from designating or nominating the same officer to be Returning Officer for more than one [#][ward].

102. Inserted by Act No.20 of 2020.
103. Substituted by Act No.25 of 1995.



Returning Officer for the Corporation.

[104][25-A. Such officer as the Commissioner may, with the approval of the [105][State Election Commissioner] designate, shall be the returning officer for election to office of Mayor of the Corporation.]

Assistant Returning Officer.

26. (1) The Commissioner with the approval of [105][State Election Commissioner] may appoint one or more officers to assist any [106][Returning Officer designated either under section 25 or section 25A] in the performance of his functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer [107][which relate to the scrutiny of nominations] unless the Returning Officer is unavoidably prevented from performing the said function.

Returning Officer to include Assistant Returning Officers performing the functions.

27. Reference in this Act to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of

functions of the Returning Officer.

section 26.

General duty of the Returning Officer.

28. It shall be the general duty of the Returning Officer at any election held under this Act to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and rules or orders made thereunder.

104. Section 25A inserted with marginal heading by Act No.9 of 1987. 105. Substituted by Act No.25 of 1995.
106. Substituted by Act No.9 of 1987.
107. Substituted by Act No.22 of 1981.



Provision of previous polling stations for #[wards].

29. The Returning Officer for each #[ward] shall, with the approval of the Commissioner, provide a sufficient number of polling stations for such #[ward], and shall publish in such manner as the Commissioner may direct, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

Appointment of officer for presiding officers for polling stations.

30. (1) The Returning Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the Returning Officer, accordingly.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made thereunder.

(3) If the presiding officer, owing to illness or other unavoidable cause is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by Returning Officer to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised



to perform under sub-section (2) or sub-section (3), as the case may be.

General duty of the Presiding Officer.

31. It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

Duties of a polling officer.

32. It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

Electoral officers and staff etc., deemed to be on deputation.

108[32A. (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) The District Election Authority, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any Police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.]

Appointment of dates of nominations, etc.

33. As soon as the notification calling upon a #[ward] to elect a #[member] or #[members] is issued under this Act,

108. Section 32A inserted with marginal heading by Act No.28 of 2005.



110[(a) the last date for making nominations, which shall be a period of not more than three days immediately following the date of publication of the notification under this section whether or not the said days are public holidays;

(b) the date for the scrutiny of nominations shall be the day immediately following the last date for making nominations whether or not it is a public holiday;

(c) the date for the withdrawal of candidatures shall be the day immediately following the day of the scrutiny of nominations whether or not it is a public holiday; and

(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the ninth day from the last date for the withdrawal of candidatures.]

Symbols for direct elections.

111[34. The State Election Commission shall as soon as may be after the issue of an election notification for any direct election by the voters in the Corporation, specify by notification published in the *Telangana Gazette, the symbols, (including the symbols reserved for recognized political parties and the symbols, if any, reserved for registered political parties for exclusive allotment to contesting candidates set up by such parties), that may be chosen by the candidates contesting at an election to such office and the restrictions to which their choice shall be subject.]

109. Substituted by Act No.25 of 1995.

110. Substituted by Act No.5 of 2016.

111. Section 34 substituted with marginal heading by Act No.28 of 2005.

Public notice of election.

35. On the issue of a notification under section 33 the Returning Officer for the #[ward] shall give public notice of the intended election in

Form 7 of Schedule A inviting nominations of candidates for such elections and specifying the place at which the nomination papers are to be delivered. The aforesaid notice shall subject to any general or special directions issued in that behalf by 112[State Election Commissioner] be published in such manner, in such language or languages and in such places as the Returning Officer thinks fit.

Presentation of nomination paper and requirements for a valid

36. (1) On or before the date appointed under clause (a) of section 33 each candidate shall, either in person or by his proposer between the hours of eleven o'clock in the

nomination. forenoon and three o'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under section 34 a nomination paper in

Form 8 of Schedule A and subscribed by the candidate himself as assenting to the nomination and by the person referred to in sub-section (2) as proposer.

(2) Any person whose name is registered in the #[ward] list and who is not subject to any disqualification mentioned in section 10 may subscribe as proposer as many nomination papers as there are vacancies to be filled but no more:

Provided that if the name of a person is entered more than once in a #[ward] list or is included in two or more #[ward] lists of the same class, such person shall not be entitled to subscribe as proposer more than one nomination paper for each vacancy to be filled in that #[ward] or in not more than one of such #[wards] of the same class.

(3) Every nomination paper delivered under sub-section (1) shall be accompanied by such declarations as

112. Substituted by Act No.25 of 1995.



may be prescribed and no candidate shall be deemed to be duly nominated unless all such declarations are delivered along with the nomination paper:

113[Provided that in a division where any seat is reserved for Scheduled Castes, Scheduled Tribes or as the case may be, backward class, a candidate shall not be deemed to be qualified to be chosen to that seat, unless his nomination paper contains a declaration by him specifying the particular caste or as the case may be the tribe or tribal community of which he is a member and the area in relation to which that caste is a Scheduled Caste or is a backward class or the tribe or tribal community is a Scheduled Tribe.]

(4) Every nomination paper delivered under sub-section (1) shall be also accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of symbols for the time being in force and also specifying two other symbols out of that list which he has chosen for his second and third preference respectively:

Provided that the choice to be made by a candidate under this section shall be subject to such restrictions as the 114[State Election Commissioner] may think fit to impose in this behalf.

(5) Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (a) of section 33 shall be rejected.

(6) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and serial numbers of the candidate and his proposer as entered

113. Substituted by Act No.9 of 1987.
114. Substituted by Act No.25 of 1995.



in the nomination paper are the same as those entered in the #[ward] list of the #[wards]:

Provided that the Returning Officer may-

(a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the #[ward] list; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(7) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the list of the #[ward] for which he

is the Returning Officer, he shall for the puposes of sub-section (5) require the person presenting the nomination to produce either a copy of the #[ward] list of the #[ward] or #[wards] for which he is the Returning Officer, or he shall for the purposes of sub-section (6) require the person presenting the nomination paper to produce either a copy of the #[Ward] List in which the name of the candidate is included or a certified copy of the relevant entries in such list.

(8) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for election in the same #[ward].

115[(9) A candidate may file nominations for more than one ward in the Municipal Corporation, but he/she shall withdraw his/her nominations to all wards except one ward of his/her choice, before the date and time fixed for withdrawal of candidature, failing which, all his/her

115. Added by Act No.5 of 2016.



nominations shall become invalid and shall not be allowed to contest from any ward.]

116[37. A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited such sum as may be prescribed. In the case of a candidate belonging to Scheduled Castes or Scheduled Tribes, it shall be competent for the Government to prescribe a lesser amount of deposit. Every candidate shall deposit the sum prescribed in the manner specified by the rules made in this behalf.] Deposits.

38. The Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 36, inform, the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on, and the hour at, which the nomination paper has been delivered to him and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the person who has subscribed the nomination paper as proposer. Notice of nominations and the time and place for their scrutiny.

39. (1) On the date fixed for the scrutiny of nominations under section 33, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 36. Scrutiny of nominations.

116. Section 37 substituted with marginal heading by Act No.28 of 2005.



(2) The Returning Officer shall then examine the nomination paper and shall decide all objections which may be made to any nomination, and may, either on such objection or

on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) that the candidate is not qualified to be elected under this Act; or

(b) that the candidate is disqualified for being elected under this Act; or

(c) that a proposer is disqualified from subscribing a nomination paper under sub-section (2) of section 36; or

(d) that there has been any failure to comply with any of the provisions of section 36 or section 37; or

(e) that the signature of the candidate or any proposer is not genuine or has been obtained by fraud.

(3) Nothing contained in clause (c), clause (d) or clause (e) of sub-section (2) shall be deemed to authorise the rejection of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any technical defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 33 and shall not allow any adjournment of the proceedings



except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this section a certified copy of an entry in the #[ward] List for the time being in force, shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that #[ward] unless it is proved that he is subject to a disqualification mentioned in section 10.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall, prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix the same to his notice board.

Withdrawal of candidature.

40. (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as are contained in Form 9 of Schedule A and shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 33 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

117[XXX]

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-section (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

Publication of list of contesting candidates.

41. (1) Immediately after the expiry of the period within which candidatures may be withdrawn, the Returning Officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the final list of validly nominated candidates and who have not withdrawn their candidature within the said period.

118[(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:-

(i) candidates of recognised political parties;

(ii) candidates of registered political parties;

(iii) other candidates.

(3) The categories mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each caterfory shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.]

117. Proviso omitted by Act No.5 of 2016.
118. Substituted by Act No.28 of 2005.



119[42. [XXX]]

Appointment of election agents.

43. (1) Every person nominated as a candidate at an election may 120[in such manner as may be prescribed] appoint in writing some other person to be his election agent.

(2) When a candidate appoints some person to be his election agent he shall obtain in writing the acceptance by such person of the office of such election agent.

Disqualification for being an election agent.

44. No person shall be appointed an election agent who is disqualified from being a #[member] under section 22.

Revocation of the appointment, or death of an election agent.

45. (1) Any revocation of the appointment of an election agent, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election or after the election but before the return of candidates election expenses has been lodged in accordance with the provisions of section 68, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Other functions of the election

46. Every election agent shall perform such functions in connection with each election for which he is appointed

election agent as are required to be performed by or under this Act by such agent. agents.

119. Section 42 omitted by Act No.15 of 1975.
120. Substituted by Act No.15 of 1975.



Appointment of polling agents.

47. A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents of such candidate at each polling station at the place fixed and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Appointment of counting agents.

48. A contesting candidate or his election agent may appoint in the prescribed manner one agent and no more to be present as his counting agent at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Revocation of the appointment, or death, of a polling agent or counting agent.

49. (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.



Functions of polling agents and counting agents.

50. (1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent.

Candidate and his election agent to perform the functions of a polling agent or counting agent.

51. (1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station provided under section 29 for the taking of the poll.

(2) A candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate, if appointed, would have been authorised by or under this Act, to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.

Non-attendance of polling or

52. Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or

counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done. counting agents.

121[53. (1) If a candidate set up by a recognised political party or a candidate set up by a registered political party to whom a symbol is reserved by the State Election Commission,- Death of recognised or registered Political Party before poll.

(a) dies at any time after 10.00 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under section 39; or

121. Section 53 substituted with marginal heading by Act No.28 of 2005.



(b) whose nomination has been found valid on scrutiny under section 39 and who has not withdrawn his candidature under section 40, dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 41; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjoumment of the poll to a date to be notified later and report the fact to the State Election Commission and to the election authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The State Election Commission shall, on the receipt of a report from the Returning Officer under sub-section (1), call upon the recognized or registered political party, as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognized or registered political party and the provisions of sections 33 to 41 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 40 before the adjoumment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.



(3) Where a list of contesting candidates had been published under section 41 before the adjournment of the poll under sub-section (1), the Returning Officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (2).]

54. (1) If the number of contesting candidates is more than of seats to be filled, a poll shall be taken. Procedure in the number contested and uncontested elections.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats.

(3) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected and the 122[State Election Commissioner] shall, by notification in

the *Telangana Gazette, 123[call upon the #[ward] to elect a person to fill the seat] before such date as may be appointed in this behalf by the 122[State Election Commissioner] and specified in the notification.

124[55. [XXX]]

Eligibility of members of Scheduled Castes, [Scheduled Tribes, or the Backward Classes] and Women to non-reserved seats.

125[56. For the removal of doubts, it is hereby clarified that nothing in this Act shall be deemed to prevent members of the Scheduled Castes 126[or the Scheduled Tribes or the Backward Classes] or Women for whom seats are reserved from standing for election to the non-reserved seats in the Corporation.]

122. Substituted by Act No.25 of 1995.
123. Substituted by Act No.5 of 1969.
124. Section 55 omitted by Act No.5 of 1969.
125. Section 56 substituted with marginal heading by Act No.17 of 1979.
126. Substituted including marginal heading by Act No.33 of 1986.



Reservation of office of #[member] for the Scheduled Castes and the Scheduled Tribes after certain date.

127[56A. The provisions of sections 5 and 8 relating to the reservation of #[member] to cease 128[shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.]]

Fixing time for poll.

57. The 129[State Election Commissioner] shall fix the hours during which the poll shall be taken; and the hours so fixed shall be published in the *Telangana Gazette and in such manner as the 129[State Election Commissioner] may direct:

Provided that the total period allotted on any one day for polling at an election in a #[ward] shall not be less than eight hours.

Adjournment of poll in emergencies.

58. (1) If at an election the proceedings at any polling station provided under section 29 are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a presiding officer, he shall forthwith inform the Commissioner.

(2) Whenever a poll is adjourned under sub-section (1) the Commissioner shall immediately report the circumstances to the 129[State Election Commissioner] and shall, as soon as may be, with the previous approval of the

127. Section 56A inserted by Act No.22 of 1981.
128. Substituted by Act No.13 of 2000.
129. Substituted by Act No.25 of 1995.



130[State Election Commissioner], appoint the day on which the poll shall recommence and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Commissioner shall notify, in such manner as the 130[State Election Commissioner] may direct the date, place and hours of polling fixed under sub-section (2).

Fresh poll in the case of destruction, etc., of ballot boxes.

131[59. (1) If at any election,-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

(c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the returning officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account; either-

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at

130. Substituted by Act No.25 of 1995.

131. Section 59 substituted with sections 59 & 59-A including marginal headings by Act No.28 of 2005.



that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or

(b) If satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

Adjournment of poll or countermanding of election on the ground of booth capturing.

59A. (1) If at any election,-

(a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commission shall on the receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either,-

(a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or-



(b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to affect result of the election, countermand the election in that #[ward].

Explanation:- In this section "booth capturing" shall have the same meaning as in section 607C.]

Manner of voting at elections.

60. At every election where a poll is taken vote shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

Voting machines at elections.

132[60-A. Notwithstanding anything, contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such ward or wards as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, 'Voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]

Right to vote.

61. (1) No person whose name is not, and except as expressly provided by this Act, every person whose name is, for the time being, entered in the #[ward] list shall be entitled to vote in that #[ward].

132. Section 60-A inserted with marginal heading by Act No.11 of 2001.



(2) No person shall vote at a general election in more than one #[ward], and if a person votes in more than one such #[ward], his votes in all such #[wards] shall be void.

(3) No person shall at any election vote in the same #[ward] more than once, notwithstanding that his name may have been registered in that #[ward] list more than once, and if he does so vote, all his votes in that #[ward] shall be void.

(4) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

133[62. [XXX]]

Counting of votes.

63. At every election where a poll is taken, votes shall be counted by, or under the supervision of the Returning Officer, and each candidate, his election agent and his counting agent, shall have a right to be present at the time of counting.

Destruction, loss, etc., of ballot papers at the time of counting.

134[63A. (1) If any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commission.

133. Section 62 omitted by Act No.5 of 1969.

134. Section 63A inserted with marginal heading by Act No.28 of 2005.



(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account, either-

(a) direct that the counting of votes shall be stopeed, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or

(b) If satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the returning officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in realtion to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.]

Equality of votes.

64. If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of results.

65. When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner prescribed.

Report of the result.

66. As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the 135[Commissioner and the State Election Commissioner] who shall cause to be published in the

135. Substituted by Act No. 25 of 1995.



Date of election of candidate.

136[66-A. For the purposes of this Act, the date on which a candidate is declared to be duly elected by the Returning Officer under the provisions of section 54 or section 65, shall be the date of the election of that candidate.]

Prohibition of simultaneous representation.

67. (1) If a person is elected by more than one #[ward] he shall, by notice in writing signed by him and delivered to the Commissioner within the prescribed time, choose any one of the #[wards] which he shall serve and the choice shall be final.

(2) When any such choice has been made the #[ward] or the #[wards] other than the #[ward] which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1), the election of such person shall be void and all the #[wards] concerned shall be called upon to elect another person or persons.

137[68. [XXX]

69. [XXX]]

Government may make rules for the conduct of elections.

70. (1) Subject to the provisions of this Act the Government may make rules 138[for the preparation of electoral roll for the Corporation, correction of entries and inclusion of names therein, appeals in relation thereto and conduct of elections.]

136. Section 66-A inserted with marginal heading by Act No.15 of 1975. 137. Sections 68 & 69 omitted by Act No.28 of 2005.
138. Substituted by Act No.20 of 1978.



(2) In particular and without prejudice to the generality of the foregoing power, the Government shall make rules in respect of the following matters—

(a) the appointment of polling stations for each #[ward];

(b) the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(c) the hours during which polling stations shall be open for the recording of votes;

(d) the printing and issue of voting papers;

(e) the checking of voters by reference to the municipal list of voters;

(f) the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(g) enabling a member of the Armed Forces of the Union to whom the provisions of clause (b) of Explanation to section 9 apply to give his vote by postal ballot;

(h) enabling any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner at an election in a #[ward] where a poll is taken, subject to the fulfilment of such requirements as may be prescribed;

(i) marking with indelible ink of the thumb or any other finger of every voter who applies for a ballot paper for the purposes of voting at a polling station before delivery of such paper to him and for prohibiting the delivery of any



ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger so as to prevent personation of votes;

(j) the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;

(k) the scrutiny of votes;

(l) the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and

production of such papers; and may make such other rules regarding the conduct of the elections as it thinks fit.

Requisitioning of premises and vehicles for election purposes.

139[70-A. (1) If it appears to the Government that in connection with any election held under this Act-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle is needed or is likely to be needed for the purposes of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for performance of any duties in connection with such election, the Government may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to them to be

139. Sections 70A to 70F inserted with marginal headings by Act No.22 of 1981.



necessary or expedient, in connection with the reaquisitioning:

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation:- For the purpose of this section 'premises' mean any land, building or part of a building and include a hut, shed or other structure or any part thereof; and 'vehicle' means any vehicle used, for the purpose of road transport, whether propelled by mechanical power or otherwise.

Payment of Government Compensation.

70-B. (1) Whenever in pursuance of section 70-A, the requisition any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;



(ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the

Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where there is any dispute as to the title to receive compensation or as to apportionment of the amount of the compensation, it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.- In this sub-section, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under section 70-A immediately before the requestion, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 70-A, the Government requisition any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicles:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the



arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle was, by virtue of a hire purchase agreement, in the possession of a person, other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide.

Power to obtain information.

70-C. The Government may, with a view to requisitioning any property under section 70-A or determine the compensation payable under section 70-B, by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be specified.

Eviction from requisitioned premises.

70-D. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 70-A may be summarily evicted from the premises by any officer empowered by the Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary of effecting such eviction.

Penalty for contravention of any order regarding requisitioning.

70-E. If any person contravenes any order made under section 70-A or section 70-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Delegation of powers of the Government.

70-F. The Government may, by notification in the *Telangana Gazette, and subject to such restrictions and conditions as may be specified therein, delegate to any officer or any authority all or any of the powers vested in them by sections 70-A to 70-D (both inclusive), and may, in like manner, withdraw any powers so delegated.]

Delegation of powers of the Commission.

140[70-FF. The State Election Commissioner may by order in writing, delegate to any officer or authority in the State Government, either generally or as respects any particular matter or class of matters any powers of the Commission under this Act.]

Appointment of Special Officer.

141[70-G. (1) Notwithstanding anything contained in this Act, wherein the opinion of the Government it is not possible to hold the elections to the Corporation in accordance with the provisions of this Act, before the date of expiration of the term, and to bring the newly elected #[members] into office on the date of expiration of the term as aforesaid, 142[XXX] the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of,-

(a) the Corporation,

(b) the Standing Committee, and

(c) the Commissioner,

under the Act, for a period 143[which shall not exceed three and half years] from the date of such appointment:

140. Section 70-FF inserted with marginal heading by Act No.28 of 2005.

141. Section 70 G inserted by Act No.18 of 1991 (w.e.f.30.03.1991). 142. Omitted by Act No.18 of 1992 (and the term of office of the Councillors is not extended).

143. Amended by Acts No.30 of 2000, 7 of 2001 and 32 of 2001 (from one year to 3½ Years).



Provided that the State Government may, from time to time, by notification in the *Telangana Gazette and for reasons specified therein extend the said period of appointment of Special Officer 144[beyond three and half years], for a further period or periods so however that the period of appointment of the Special Officer shall not, 145[in the aggregate exceed eleven years].

(2) The State Government shall cause elections to be held to the Corporation under the principal Act, so that the newly elected #[members] may come into office on such date as may be specified by the State Government in this behalf by a notification, in the *Telangana Gazette:

Provided that the State Government may, from time to time, advance or postpone the date specified under this sub-section and fix instead another date:

Provided further that the date fixed under this sub-section shall be the date on which the appointment of the Special Officer expires.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected #[members] come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation, and of the Commissioner until a Commissioner is appointed by the State Government,

144. Amended by Acts No.30 of 2000, 7 of 2001 and 32 of 2001 (from one year to 3½ Years).

145. Amended by Acts No.4 of 1993 (from 2 years to three years) and 10 of 1994 (to four years).

$. Section 70 G omitted by Act No.17 of 1994. [Section 3(8) of Act 17 of 1994 omitting section 70 G not brought into force]. Hence section 70 G has further been amended by Acts No.25 of 1995; 5 of 1996; 19 of

1996; 21 of 1997; 18 of 1998 (from 4 years to 7½ Years). Further amended by Acts No.30 of 2000; 7 of 2001 and 32 of 2001 (from 7½ Years to 11 Years).



as the case may be, and any such officer may, if the State Government so direct, receive remuneration for his service from the Municipal Fund.]

Presentation and Trial of Election Petition

Election petition.

71. (1) 146[XXX] No election held under this Act shall be called in question except by an election petition which shall be presented in such manner as may be prescribed.

(2) An Election petition calling in question any election may be presented on one or more of the grounds specified in clauses (i) and (ii) of section 79 and section 80 to the Election Tribunal by any candidate at such election or any voter, within two months from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and the dates of the election are different is the later of those two dates:

147[Provided that the period from the date on which an election petition can be filed under this sub-section to the date of the constitution of an Election Tribuanl under section 75, shall be excluded for purpose of computing the period of two months under this sub-section.]

Parties to the petition.

72. A petitioner shall join as respondents to his petition,—

(a) where the petitioner claims a declaration under clause (b) of section 74, all the contesting candidates other than the petitioner and in any other case all the returned candidates; and

(b) any other candidates against whom allegations of any corrupt or illegal practice are made in the petition.

146. Omitted by Act No.15 of 1975.

147. "Proviso" added by Act No.28 of 2005.



Contents of Petition.

73. (1) An election petition-

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings. Central Act 5 of 1908.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Relief that may be claimed by the Petitioner.

74. A petitioner may claim any one of the following declarations:—

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected;

(c) that the election as a whole is viod.

Election Tribunal.

148[75. (1) The Government may for the purpose of providing speedy disposal of election petitions in respect of an election under this Act, appoint any person who is or has been or is eligible to be appointed as a Judge of the High Court as an Election Tribunal (hereinafter referred to as the

148. Section 75 substituted with marginal heading by Act No.17 of 1998.



"Tribunal") for such period as may be necessary, for trial of petitions in respect of an election under this Act:

Provided that if there are only a limited number of such cases, the Government may, with the concurrence of the Chief Justice of the High Court, by notification specify a Court of District Judge to be an Election Tribunal to try the election petitions under this Act.

(2) The Tribunal shall deal with such petitions and proceedings in connection therewith in the manner prescribed.]

Powers of the Tribunal.

76. The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:—

Central Act 5 of 1908.

(a) discovery and inspection;

(b) enforcing the attendance of witnesses, and requiring the deposits of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

(f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses, and may summon and examine suo motu any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Central Act 5 of 1898.



Decision of the Tribunal.

77. At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected; or

(d) declaring the election to be wholly void.

Other orders to be made by the Tribunal.

78. (1) At the time of making an order under section 77, the Tribunal shall also make an order-

(a) where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by or with the connivance of any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any, corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any person from any disqualification which he may have incurred in this connection under section 20 and in respect of any disqualification arising out of failure to lodge return of election expenses with reference to clause (1) of section 22;



(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that no person shall be named in the order under sub-clause (ii) of clause (a) unless—

(i) he has been given notice to appear before the Tribunal and to show cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(2) Any order as to costs under clause (b) of sub-section (1) may include a direction for payment of costs to the Advocate General, Government Pleader or any other Pleader attending the trial.

Grounds for declaring election to be void.

79. (1) If the Tribunal is of opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively prevailed at the election, the Tribunal shall declare the election as a whole to be void:

149[XXX]

Explanation.— In this section,—

(a) the expressions 'bribery' and 'undue influence' have the meanings given to them in section 17; and

(b) the expression 'group intimidation' means any interference or attempt to interference by a community,

149. Omitted "Proviso" by Act No.5 of 1969.



group or section with the free exercise by another community, group or section of the right to vote or refrain from voting by intimidation, coercion, social or economic boycott, threat of such boycott or other similar means.

(2) Subject to the provisions of sub-section (3), if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the improper reception or refusal of a vote or by the reception of any vote which is void, or by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to election, or by any mistake in the use of any prescribed form;

(d) that on the date of his election a returned candidate was disqualified to be elected as a #[member] under this Act;

the Tribunal shall declare the election of the returned candidate to be void.

(3) If in the opinion of the Tribunal, a returned candidate has been guilty, by an agent other than his election agent, of any corrupt practice specified in 150["section 17"], but the Tribunal is satisfied that—

150. Substituted by Act No.28 of 2005.



(a) no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent;

(b) all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and

(d) in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents;

then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which candidate may be declared to have been elected.

80. If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate a candidate other than the returned has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority, of the valid votes;

the Tribunal shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.



Procedure in case of an equality of votes.

81. If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(a) any decision made by the Returning Officer under the provisions of this Act, shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and

(b) in so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Communication of orders of the Tribunal and the transmission of the records of the case to the Commissioner.

82. The Tribunal shall send a copy of its orders made under section 77 or 78, unless an appeal is preferred therefrom, in which case, a copy of the order of the High Court, along with the records of the case, to the Commissioner.

Appeal against order of the Tribunal.

83. An appeal from an order passed by the Tribunal under sections 77 and 78 shall lie to the High Court and shall be heard by a Bench consisting of not less than two Judges:

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the order of the Tribunal.

Orders of the Tribunal to be final and conclusive.

84. Every order of the Tribunal made under this Act and unless an appeal is preferred therefrom to the High Court under section 83 shall be final and conclusive.

Orders when to take effect.

85. An order of the Tribunal under section 77 or section 78 shall take effect immediately after the expiry of the period of appeal unless an appeal is preferred therefrom, in which



case the order of the High Court shall take effect as soon as it is pronounced.

Reference to the Election Tribunal.

86. (1) Whenever it is alleged that any person who has been elected as a #[member] is disqualified under section 20, sub-section (1) of section 21 or section 23 and such person does not admit the allegation, or whenever any #[member] is himself in doubt whether or not he has become disqualified for office under section 20 or sub-section (1) of section 21 or section 23, such #[member] or any other #[member] may, and the Commissioner shall, in accordance with the directions of the Corporation, apply to the Tribunal for a decision.

(2) The Tribunal after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under section 20, sub-section (1) of section 21 or section 23 and its decision shall be final.

(3) Pending such decision, the Councillor shall be entitled to act as if he were not disqualified.

Procedure when no #[member] is elected.

87. (1) If at a general election or by-election no #[member] is elected, a fresh election shall be held on such date as the 151[State Election Commissioner] may fix in this behalf.

(2) The term of office of a #[member] elected under sub-section (1) shall expire at the time at which it would have expired if he had been elected at the general election or by-election, as the case may be.

Proceedings of the Corporation.

Provisions regulating the Corporation's proceedings.

88. The Corporation shall meet for the despatch of business and shall from time to time, make such bye-laws with respect to the summoning, notice, place, management

151. Substituted by Act No.25 of 1995.



and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the Corporation including the submission, asking and

answering of questions under section 122 as they think fit, subject to the following conditions:—

(a) the ordinary meeting in the month immediately preceding the month in which the first meeting referred to in clause (b) is held shall be held not later than the twentieth day of the month so preceding;

(b) the first meeting after general elections shall be held within a month of the publication of the declarations under section 66 on such day and at such time and place as the Commissioner may fix;

(c) the day, time and place of meeting shall in every other case be fixed by the Mayor, in his absence by the Deputy Mayor and in the absence of both the Mayor and the Deputy Mayor by the Chairman of the Standing Committee 152[and every such meeting shall be held atleast once in three months;]

(d) the Mayor or in his absence the Deputy Mayor or in the absence of both the Mayor and Deputy Mayor the Chairman of the Standing Committee may whenever he thinks fit, and shall, upon a written requisition signed by not less than one-sixth of the whole number of #[members] or by not less than four members of the Standing Committee, call a special meeting;

(e) every meeting shall be open to the public, unless a majority of the #[members] present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any #[member] present without previous discussion, that any inquiry or deliberation

152. Added by Act No.15 of 2013.



pending before the Corporation is such as should be held in private, and provided that the presiding authority, may at any time cause any person to be removed who interrupts the proceedings;

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of #[members] present inclusive of the presiding authority, falls short of one-fourth of the whole number of #[members], the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at such adjourned meeting, whether there is a quorum or not;

(g) 153[XXX] every meeting shall be presided over by the Mayor and in his absence by the Deputy Mayor or in the absence of both the Mayor and the Deputy Mayor by such one of the #[members] present as may be chosen by the meeting to be the Chairman for the occasion;

(h) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(i) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section

153. Omitted by Act No.9 of 1987.

122 and shall be given by the Municipal Secretary 154[in the manner prescribed;]

(j) any #[Member] who desires at any meeting to bring forward any business, other than any questions under section 122 or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business of propositions, of which notice has been so given, shall be given by the said Secretary 154[in the manner practicable] not later than the day previous to the meeting;

(k) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget estimate, no business shall be transacted at any meeting other than the business specified in the notice 154[given] under clause (i) and any questions asked under section 122 or urgent business not specified in the said notice which the Standing Committee, or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, 154[given] under clause (j), or which is not in support of the recommendation of the Standing Committee, or the Commissioner, as the case may be, with reference to any urgent business brought by any of those authorities, respectively before the meeting:

Provided that no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the #[members] present at such meeting, such three-fourths, being not less than one-sixth of the whole number of #[members], assent to its being brought forward thereat;

154. Substituted by Act No.5 of 1982.



(l) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate as the case may be, and no proposition involving any change in the taxes which the Standing Committee propose to impose, or an increase or decrease of any item of expenditure in a budget estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting 155[given] under clause (i) or in the supplementary announcement, if any, 155[given] under clause (j) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (m) has been fulfilled;

(m) any meeting may, with the consent of a majority of the #[members] present be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjourned meeting took place:

Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (1) may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely—

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place;

155. Substituted by Act No.5 of 1982.

(ii) that the adjournment has been for not less than two clear days; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary who shall be bound to give such announcement [156][in the manner practicable] not later than the day previous to the adjourned meeting;

(n) a minute of the proceedings at every meeting and [157][showing the names of the members present thereat shall be] drawn up and fairly entered by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, by the presiding authority, [157][after completion of the meeting]; and the said minute book shall at all reasonable times be open at the Chief municipal office to inspection by any #[member] free of charge, and by any other person on payment of a fee of eight annas;

(o) a #[member] shall not vote or take part in the discussion of any matter before a meeting or ask any question concerning any matter in which he is, directly or indirectly, by himself or by his partner, professionally interested on behalf of a client, principal or other person;

(p) every question other than the question whether the Standing Committee or the Commisssioner shall be permited to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the #[members] present and voting on that question, the presiding authority having a casting vote when there is an equality of votes;

(q) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in

156. Substituted by Act No.5 of 1982.
157. Substituted by Act No.15 of 2013.



the minute book shall, unless a poll be demanded at the time of such declaration by any #[member], be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(r) when a poll is taken, the vote of each #[member] present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the #[members] voting respectively for or against the proposition shall be recorded in the minute-book;

(s) the Commissioner shall have the same right of being present at a meeting of the Corporation and of taking part in the discussions thereat as a #[member] and with the consent of the presiding authority may at any time make a statement or explanation of facts, but he shall not vote upon, or make any proposition at such meetings;

(t) the Corporation may require any officer of the Corporation to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.

Power to order withdrawal of #[member].

89. (1) The presiding authority shall preserve order and may direct any #[member] whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any #[member] so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any #[member] is ordered to withdraw a second time within 15 days,

the presiding authority may suspend the #[member] from attending the meetings of the Corporation and of any committee for any

[Act No. II of 1956] 93

period not exceeding 15 days and the directed shall absent himself accordingly: #[member] so

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the #[member] under suspension.

(2) The presiding authority may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

Election of Mayor and Deputy Mayor.

158[90. (1) The elected members referred to in sub-section (1) as well as ex-offico members referred to in sub-section (1-A) of section 5 of this Act, shall elect one of its elected Members to be its Mayor and another to be its Deputy Mayor at the first meeting of the Corporation after the ordinary elections by show of hands on party basis duly obeying the party whip given by such functionary of the recognized political party, in the manner prescribed. At an election held for that purpose, if Mayor or Deputy Mayor is not elected, fresh election shall be held on the next day. The names of the Mayor and the Deputy Mayor so elected shall be published in the prescribed manner. Any casual vacancy in the said offices shall be filled, in the same manner at a casual election and a person elected as Mayor or the Deputy Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred:

Provided that a member voting under this sub-section in disobedience of the party whip shall cease to hold office 159[in the manner prescribed] and the vacancy caused by such cessation shall be filled as a casual vacancy.

158. For 90 & 90-A section 90 substituted by Act No.29 of 2005. 159. Substituted by Act No.5 of 2008.

94 [Act No. II of 1956]

(2) The Mayor or the Deputy Mayor as the case may be, shall be deemed to have assumed office on his being declared as such and shall hold office in accordance with the provisions of this Act and as long as he continues to be an elected member, unless resigned or removed from such office by no-confidence motion or for any other reason in accordance with the provisions of this Act.]

Resolution of disputes relating to cessation for disobedience of party whip.

160[90-A. Where a member ceased to hold office for disobedience of the party whip, he may apply to the District Court having jurisdiction over the area in which the office of Corporation is siturated, for a decision.]

Deputy when to act as Mayor.

91. (1) When the office of the Mayor is vacant his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

(2) If the Mayor leaves the City for more than fifteen days or is incapacitated, his functions shall devolve on the Deputy Mayor until the Mayor returns to the City or recovers from his incapacity, as the case may be.

Motion of no confidence in Mayor / Deputy

161[91-A. (1) A motion expressing want of confidence in the Mayor other wise than directly elected or Deputy Mayor may

Mayor. be made by giving a written notice of intention to move the motion, signed by not less than one half of the total number of members of the Corporation having right to vote, together with a copy of the proposed motion to the District Collector concerned in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made [162][within four (4) years] of the date of assumption of office by the person against whom the motion is sought to be moved:

160. Inserted with marginal heading by Act No.5 of 2008. 161. Inserted with marginal heading by Act No.29 of 2005. 162. Substituted by Act No.42 of 2008.



Provided further that if the motion is not carried by two-thirds majority or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same person shall be made until after the expiration of one year from the date of such first meeting:

Provided also that the membership of a suspended member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) The District Collector shall then convene a meeting for the consideration of the motion at the office of Municipal Corporation on the date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (1) was delivered to him. He shall give to the members, Mayor or Deputy Mayor as the case may be and the Ex-officio members, notice of not less than fifteen clear days excluding the date of the notice and the date of the proposed meeting of such meeting in such form as may be prescribed by the Government and such notice shall be delivered as may be specified.

Explanation:- In computing the period of thirty days specified in this sub-section, the period during which a stay order, if any, issued by a competent court on a petition filed against a notice under sub-section (1) is in force shall be excluded.

(3) The District Collector or other officer nominated by him (here-in-after referred to as presiding officer) shall preside at such meeting. The quorum for such meeting shall be two-thirds of the total number of members. If within half an hour after the time appointed for the meeting, there is no quorum for the meeting, the Presiding officer shall adjourn the meeting to some other time on the same date and notify



the same in the notice board of the Corporation. If there is no quorum at the adjourned time of the same day, no further meeting shall be convened for consideration of the motion and the meeting shall stand dissolved and the notice given under sub-seciton (1) shall lapse.

(4) As soon as the meeting convened under this section commences, the presiding officer shall read only the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate. The voting shall be by show of hands duly obeying the party whip given by such functionary of the recognized political party in the manner prescribed:

Provided that a member voting under this sub-section in disobedience of the party whip shall cease to hold office forthwith and the vacancy caused by such cessation shall be filled as a casual vacancy.

(5) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded immediately on the termination of the

meeting by the presiding officer to the District Collector. The District Collector shall forward the same along with his remarks to the Government.

(6) If the motion is carried with the support of two thirds majority of the total number of the members including the Ex-officio members as on the date of the meeting, the Government shall by notification remove the Mayor or the Deputy Mayor as the case may be from office and the resultant vacancy shall be filled in the same manner as a casual vacancy.

Explanation-I:- For the removal of doubts, it is hereby declared that for the purpose of this section, the expression "total number of members" means, all the members who are



entitled to vote in the election to the office concerned including the ex-officio members.

Explanation-II:- For the purposes of the section, in the determination of two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.]

Resignations.

92. (1) The Mayor may resign his office by giving notice in writing to the Corporation; the Deputy Mayor may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect in the case of Mayor from the date on which it is accepted by the Corporation and in the case of the Deputy Mayor, by the Mayor.

(2) Any #[member] may resign his office at any time by notice in writing to the Mayor and such resignation shall take effect from the date on which it is accepted by the Mayor.

Committees.

Constitution of the Standing Committee.

163[93. 164[(1) (a) There shall be constituted for the Corporation a Standing Committee consisting of not less than five and not more than fifteen members chosen by the Corporation from among themselves as prescribed to exercise the powers and perform the functions entrusted to it under this Act.

(b) The members of the Standing Committee shall hold office for a period of one year from the date of choosing by the Corporation:

163. For sections 93 to 96 section 93 substituted with marginal heading by Act No.17 of 1994.

164. Sub-section (1) substituted by Act No.7 of 2008.



Provided that a member of the Standing Committee shall cease to hold office if he ceases to be a member of the Corporation:

Provided further that the members of the Standing Committee holding office at the commencement of the Andhra Pradesh Municipal Laws (Second Amendement) Act, 2008 shall hold office until the expiry of their term of office.]

165[(2) The Mayor or in his absence, the Deputy Mayor of the Corporation shall be the ex-officio Chairperson of the Standing Committee:

Provided that the Chairperson of the Standing Committee holding office at the commencement of this Act, shall hold office until the expiry of his term of office.]

94. …

95. …

96. …

Provisions regulating the proceedings of the Standing Committee.

97. [166][(1)] The Standing Committee shall meet for the despatch of business in the Chief Office of the Municipal Corporation and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions:—

(a) there shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

165. For sub-sections (2) and (3), sub-section (2) substituted by Act No.29 of 2005.

166. Section 97 numbered as sub-section (1) by Act No.11 of 1991.



(b) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee may from time to time determine;

(c) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee;

(d) no business shall be transacted at a meeting of the Standing Committee unless at least half of the total number of members are present from the beginning to the end of such meeting;

(e) every meeting of the Standing Committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be the Chairman for the occasion;

(f) every question shall be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) subject to any bye-laws made in this behalf the Standing Committee may from time to time, by a specific resolution in this behalf, delegate any of its powers or duties to sub-committees, consisting of such members of the said committee not less in number than three on each sub-



committee, as they think fit; and any sub-committee so formed shall conform to any instructions that may from time to time be given to them by the Standing Committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(h) a sub-committee may elect a Chairman of its meeting, and if no such Chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present, shall choose one of their #[members] to be Chairman of such meeting;

(i) a sub-committee may meet and adjourn as it thinks proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request

of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(j) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the Chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(k) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meeting in a book to be provided for this purpose, which shall be signed at, and by the presiding authority [167][after the completion of the meeting];

(l) a member of the Standing Committee shall not vote or take part in the discussion before the said committee or before any sub-committee on any matter in which he is

167. Substituted by Act No.15 of 2013.



directly or indirectly, by himself or by his partner, professionally interested on behalf of a client, principal or other person;

(m) the Commissioner shall have the same right of being present at a meeting of the Standing Committee and of taking part in the discussions thereat as a member of the said committee, but he shall not vote upon, or make any proposition at such meeting;

(n) the Standing Committee may require any officer of the Corporation to attend any meeting or meetings of the Standing Committee at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required to attend any such meeting he may be called upon to make a statement or explanation of facts or supply such information as may be in his possession relating to any matter dealt with by him.

[168][(2) Where a subject is placed before the Standing Committee, the Standing Committee shall take a decision thereon within a period of fifteen days from the date of placing the matter before it, and if a subject is not considered by the Standing Committee within the aforesaid period, the proposal contained in the subject shall be deemed to have been approved by the Standing Committee. Where a proposal is rejected by the Standing Committee, the Commissioner shall place the matter before the Corporation within a period of fifteen days from the date of such rejection for its decision and a meeting for this purpose shall be held in accordance with clause (c) of section 88.]

Special Committees of the Corporation.

98. (1) The Corporation, may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the

168. Sub-section (2) inserted by Act No.11 of 1991.



members of the Corporation present at the meeting, delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such committee's recommendations.

169[Explanation.- For the removal of doubt, it is hereby declared that the term "Corporation" shall include the ex-officio #[members].]

(2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(3) The Corporation may, at any time, dissolve or subject to any bye-law made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be the Chairman and Deputy Chairman:

Provided that no member shall, at the same time, be Chairman of more than one Special Committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their members to preside over their meeting.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation:

169. Added by Act No.5 of 1982.



Provided that any Special Committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the Corporation, should the committee consider that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the proceedings of the Special Committee such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable:

Provided also that if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one-half of the whole number of members of the Committee.

(7) The Standing Committee may, from time to time, by a resolution carried by a vote of at least two-thirds of their members present at the meeting, delegate to any Special Committee appointed under sub-section (1) any of their powers and duties in respect of any matter with which such Special Committee is competent to deal, or refer to any such committee any such matter for disposal or report, and every such Special Committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf:

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.



(8) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except by reason of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(9) The Corporation may make bye-laws for regulating the constitution of Special Committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports.

Appointment of Ad-hoc Committee.

99. (1) The Corporation may, from time to time, appoint from amongst the #[members] such Ad-hoc Committees consisting of such number of #[members] as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit, and direct that the report of any such committee shall be submitted through the Standing Committee or a Special Committee constituted under section 98.

(2) An Ad-hoc Committee appointed under sub-section (1) may, with the previous sanction of the Corporation co-opt not more than two persons who are not #[members] but who in the opinion of the committee possess special qualifications for serving thereon.

Joint transactions with other local authorities.

100. (1) The Corporation, may from time to time, join with a local authority or with a combination of local authorities, authorities,—

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly



interested, and in appointing a Chairman of such Committee;

(b) in delegating to any such committee power to frame terms binding on each such body as to the constitution and future maintenance of joint work and any power which might be exercised by any such bodies; and

(c) in framing and modifying bye-laws for regulating the proceedings of any such committee in respect of the purpose for which the Committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provision of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Government may after hearing the objections, if any, of such local authority pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to Government whose decision, thereupon shall be final and binding:

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation, may from time to time, with the sanction of Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or toll or any other tax by the Corporation on behalf of the bodies so agreeing and in that event the



provisions of this Act shall apply in respect of such levy as if the area of the city were extended so as to include the area subject to the control of such local authority or such combination of local authorties.

Provisions regarding validity of proceedings.

Vacancies in proceedings.

101. No act or proceedings of the Corporation or of Corporation, etc., vacancies in any committee or sub-committee appointed not to invalidate its under this Act shall be questioned on account of any vacancy in its body.

Proceedings of disqualification, etc., of members thereof.

102. No disqualification of, or defect in the election or Corporation etc., appointment of any person acting as a #[member], as the not vitiated by Mayor or the Deputy Mayor or the Presiding authority of the Corporation or as the Chairman or a member of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such committee or sub-committee, as the case may be, in which such person has taken part provided the majority of the persons who were parties to such act or proceedings were entitled.

Proceedings of

103. Until the contrary is proved, every meeting of the meeting to be Corporation or of a committee or sub-committee in respect good and valid of the proceedings whereof a minute has been made and until contrary is proved.

signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or a sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.



The Municipal Commissioner.

Appointment of Commissioner.

104. (1) Subject to the provisions of sub-section (3), the Commissioner shall from time to time be appointed by the Government.

(2) The Commissioner shall be a whole time officer of the Corporation and shall not undertake any work unconnected with his office unless the Government in consultation with the Corporation sanctions the undertaking thereof by him.

(3) The Commissioner appointed under sub-section (1) shall be liable to be removed from his office as such by the Government, if—

(a) at a meeting of the Corporation not less than two-thirds of the total number of #[members] vote for such, removal in cases where the Commissioner persistently—

(i) makes default in performing the duties imposed or exceeds the powers conferred on him by or under this Act, or

(ii) neglects or refuses to implement the decisions of the Corporation, or Standing Committee or any other Committee of the Corporation, or

(iii) acts in a manner prejudicial to the interests of the Corporation;

(b) it appears to the Government that he is incapable of performing the duties of his office, or has been guilty of misconduct and neglect.



Appointment of Commissioner, Additional

170[105. The Government may appoint 171[Special [Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner

Commissioner, and Assistant Commissioner] to the Corporation. The Zonal persons so appointed shall be subject to the same liabilities, Commissioner, restrictions and conditions to which the Commissioner is Joint subject.]

Commissioner, Deputy Commissioner and Assistant Commissioner].

Functions of an Additional Commissioner, Zonal

106. (1) A 172[Special Commissioner, Additional [Special Commissioner, Zonal Commissioner, Joint Commissioner, Commissioner, Deputy Commissioner and Assistant Commissioner] so appointed shall be subordinate to the Commissioner and shall exercise such of the powers and perform such of the Commissioner, duties as the Commissioner shall from time to time depute Joint to him provided that the Commissioner informs the Commissioner, Deputy Corporation of the powers and duties which he, from time to time, deputes to the 173[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Commissioner]. Deputy Commissioner and Assistant Commissioner.]

Commissioner and Assistant

(2) All acts and things performed and done by a 173[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

170. Substituted by Act No.3 of 1994.

171. Substituted along with marginal heading by Act No.25 of 2007. 172. Substituted along with marginal heading by Act No.3 of 1994 and again substituted including marginal heading by Act No.25 of 2007. 173. Substituted by Act No.25 of 2007.



Remuneration of Commissioner and 174[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner.]

Salary of the Additional Commissioner and [Special Commissioner, Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner].

107. The Commissioner and the 175[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] shall receive from the Local Government Service Fund constituted under sub-section (1) of section 131 such monthly salary and allowances as Government may, from time to time, determine:

Provided that the salary of the Commissioner and the Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner shall not be altered to their disadvantage during the period for which their appointment have been made or renewed.

## Provisions for absence of Commissioner or 174[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] on leave.

Grant of leave of absence to the Commissioner or [Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner].

108. Leave on absence may be granted, from time to the Commissioner or the 175[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] by the Government in consultation with the Standing Committee.

174. Substituted by Act No.25 of 2007.

175. Substituted including marginal heading by Act No.25 of 2007.



Allowances whilst absent on leave.

109. The allowance to be paid to the Commissioner or to a 176[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] for absence on leave shall be of such amount not exceeding respectively the amount of the salary of the Commissioner or a 176[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] as shall be determined by the Government:

Provided that if the Commissioner or a 176[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules in force, relating to the leave allowance of the officers of his class.

Appointment and remuneration of Acting Commissioner or Acting [Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner].

110. During the absence on leave or other temporary vacancies in the Office of the Commissioner or 177[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] the Government may appoint a person to act as a Commissioner or 176[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] as the case may be, and every person appointed so to act shall exercise the powers and perform the duties conferred and imposed by this Act or any other law in force on the Commissioner or 176[Special Commissioner, Additional Commissioner, Zonal

Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] and be subject to all the liabilities, restrictions and conditions to which the

176. Substituted by Act No.25 of 2007.

177. Substituted including marginal heading by Act No.25 of 2007.



Commissioner or 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] is liable and shall receive a monthly salary not exceeding the salary payable to the Commissioner or 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] as the Government shall determine.

Disqualification of the Commissioner and the 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner].

111. (1) No person shall be qualified to be appointed to be the Commissioner or 179[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] who has directly or indirectly by himself or his partner or as a member of Joint Hindu family any share or interest in any contract or employment with, by or on behalf of the Corporation other than as Commissioner or 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner], as the case may be.

Commissioner and [Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] not to be interested in any contract with the Corporation.

(2) Any Commissioner or 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] who shall acquire directly or indirectly by himself or his partner or as a member of Joint Hindu family any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner or 178[Special Commissioner, Additional Commissioner, Zonal Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner] as the case may be, and his office shall become vacant.

178. Substituted by Act No.25 of 2007.

179. Substituted including marginal heading by Act No.25 of 2007.



Explanation:— Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the

Corporation as in clause (h) of section 22 it is permissible for a #[Member] to have without his being thereby disqualified for being a #[Member].

## CHAPTER III.

## Duties and Powers of the Municipal Authorities; Obligatory and Discretionary duties of the Corporation.

Matters to be provided for by the Corporation.

112. The Corporation shall make adequate provision for the following matters, namely:—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the Government defining the limits or any alteration in the limits of the City;

(2) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and the preparation of compost manure from such sewage, offensive matter and rubbish;

180[(3-a) Construction of drains and drainage works after collecting the prescribed fees fixed by the Commissioner, from time to time, from the persons who apply for construction, addition or alterations of a building,

180. Inserted by Act No.6 of 1984.



in advance along with the application for sanction, and in the case of buildings already contstructed from the occupiers thereof;]

(4) the 181[XXX] maintenance and cleansing of drains and drainage works, 182[and the construction, maintenance and cleansing of public latrines], water-closets, urinals and similar conveniences:

183[Provided that it shall be competent for the Corporation to charge such fee as may be prescribed, from time to time, from the users of public latrines, waterclosets, uninals and similar conveniences;]

(5) the lighting of public buildings vested in the Corporation, public streets and municipal markets;

(6) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation;

(7) the naming or numbering of streets and of public places in the Corporation and the numbering of premises;

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

(9) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

181. Omitted by Act No.6 of 1984.

182. Substituted by Act No.23 of 1985. 183. Proviso added by Act No.23 of 1985.



(10) the construction or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses;

(11) the construction or acquisition and maintenance of cattle-pounds;

(12) public vaccination in accordance with the provisions of the [184]Telangana Vaccination Act, 1951; Act XXIV of 1951.

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

(14) the registration of births and deaths;

(15) the construction, maintenance, alteration and improvement of streets, bridges, subways, culverts, cause ways or the like;

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

(17) the manangement and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(18) preventing the spread of infectious diseases;

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

(20) the improvement of the City;

184. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.



(21) the provision of public parks, gardens, playgrounds and recreation grounds;

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

(23) subject to adequate provision being made for the matters hereinbefore specified, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times;

[185][(24) Planning for economic and social development;

(25) Urban Forestry, protection of the environment and promotion of ecological aspects;

(26) Safeguarding the interests of weaker sections of society including the disabled and mentally retarded;

(27) Promotion of cultural, educational and aesthetic aspects;

(28) Slum improvement and upgradation; and

(29) Urban poverty alleviation;]

[186][(30) The organization, maintenance or management of transport facilities and public utilities including State Road Transport Corporation for the conveyance of the public or goods or to provide assistance to such public utility in the manner as assessed and decided by the Government from time to time.]

185. Added by Act No.7 of 2008.

186. Added by G.O.Ms.No.134, MA&UD (F2) Department, dated 13.10.2015.



Corporation to provide for anti-rabic treatment.

113. The Corporation shall make payments at such rates and subject to such conditions as the Government may from time to time by general or special order determine, for the maintenance and treatment in any institution which the Government declares by notification in the

*Telangana Gazette to be suitable for such purpose either within or without the City and other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions:

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

Corporation to provide for maintenance of lunatic asylums.

114. (1) The Corporation shall make payments at such rates per head as the Government, from time to time by general or special order determine, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city, which the Government declares by notification to be suitable for such purpose of pauper lunatics not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the city:

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year:

[Act No. II of 1956] 117

Provided further that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, [187][XXX] no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means, to maintain him:

Provided also that the rates determined by the Government under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section.

(2) The Officer-in-Charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

Matters which may be provided for by Corporation at its discretion.

115. The Corporation may provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

(1) the organisation, maintenance or management of institutions within or without the city for the care of persons who are infirm, sick or incurable, or

for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;

187. The words and figures "81 of the Hyderabad Lunacy Regulation of 1355 Fasli" were omitted by the A.P.A.O. 1957.



(2) the organisation, maintenance or management of maternity and infant welfare homes or centres;

(3) the provision of milk to expectant or nursing mothers or infants or school children;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health;

(5) swimming pools, public wash-houses, bathing places and other institutions designed for the improvement of public health:

188[Provided that it shall be competent for the Corporation to charge such fee as may be prescribed from time to time, from the users of the conveniences aforesaid;]

(6) dairies or farms within or without the city for the supply, distribution and processing of milk or milk products for the benefit of the residents of the city;

(7) the construction and maintenance in public streets or places of drinking fountains for human beings and water troughs for animals;

(8) the planting and maintenance of trees on road sides and elsewhere;

(9) the providing of entertainments in public places or places of public resort;

(10) the holding of exhibitions, athletics or games;

188. Added "proviso" by Act No.23 of 1985.



(11) the regulation of lodging houses, camping grounds and rest-houses in the city;

(12) the maintenance of an ambulance service;

(13) the construction, establishment and maintenance of theatres, places of entertainment, rest-houses and other public buildings;

(14) the organisation or maintenance in times of scarcity of shops or stalls for the sale of necessaries of life;

(15) the building or purchase and maintenance of dwellings for municipal officers and servants;

189[(16) the grant of loans to the municipal officers and servants for purposes of constructing houses and for purchasing of house sites and vehicles on such terms and subject to such conditions as may be prescribed;]

190[(17) [XXX]]

(18) the furtherance of educational objects, and the making of grants to educational institutions;

(19) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor;

(20) the destruction of vermins, birds or animals causing a danger or nuisance, and the confinement or destruction of stray dogs;

189. Substituted by Act No.8 of 1982.

190. Entry 17 omitted by G.O.Ms.No.134, MA & UD (F2) Department, dated 13.10.2015.



(21) contributions towards any public fund raised for the relief of human suffering within or without the city;

(22) the granting of rewards for information which may tend to secure the correct registration of vital statistics;

(23) the acquisition and the maintenance of grazing grounds and the establishment and maintenance of a stud farm;

(24) establishing and maintaining a farm or factory for the disposal of sewage;

(25) supplying, constructing and maintaining in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;

(26) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws, regulations or standing orders made thereunder;

(27) laying out whether in areas previouly built upon or not, new streets and acquiring land for that purpose or required for the construction of buildings or curtilages thereof to abut on such street or streets;

(28) the building or purchase and maintenance of suitable dwellings for the poor and working classes;

(29) the provision of shelter to destitute or homeless persons and any form of poor relief;



(30) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies, cattle used in hackney carriages or carts or for milch-kine;

(31) the surveying of buildings or lands;

(32) taking measures to meet any calamity affecting the public in the city;

(33) the making of a contribution towards any public ceremony or entertainment in the city;

(34) the construction, purchase, organisation, maintenance, extension and management of tramways, tractless trams or mechanically propelled transport facilities for the conveyance of the public;

(35) the purchase, maintenance, management, and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking;

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

(37) preparation and presentation of address to persons of distinction;

(38) maintaining, aiding and suitably accommodating schools for primary education, subject always to the grant of building grants by the Government; and



(39) the taking of any measure not herein before specifically named, likely to promote public safety, health, convenience or instruction.

191[(40) provide parking places, public landing places, halting places, for vehicles of any description including motor vehicles and levy fees for thier use.]

Social and economic measures.

116. Government may, in consultation with the Corporation and on such terms and conditions as may be specified in the said order, require the Corporation at any time by a notified order to undertake such measures for the improvement of Social and Economic status of the inhabitants of the City as shall be specified in the said order.

Respective functions of several Municipal Authorities.

Functions of the several Municipal Authorities.

117. (1) The respective functions of the several Municipal authorities shall be such as are specifically provided under this Act or the rules or bye-laws made thereunder.

(2) Except as otherwise expressly provided in this Act, the municipal Government of the City vests in the Corporation.

(3) Subject to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, and conditions and limitations imposed by this Act or by any other law for the time being in force and whenever it is in this Act expressly so directed, the entire executive power for the purpose of carrying out the provisions of this Act and of any other law for the time being in force which imposes any duty, or confers any power on the Corporation vests in the Commissioner who shall also:—

191. Inserted by Act No.10 of 1987.



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

(b) specify the duties of, and exercise supervision and control over the acts and the proceedings of all municipal officers and servants other than the municipal Secretary and municipal Examiner of Accounts and the municipal officer and servant subordinate to them;

(c) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require, notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Government:

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken, and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act.

Commissioner to exercise powers and perform duties of Corporation under other law.

118. (1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(2) The Commissioner may, with the approval of the Standing Committee by order in writing, empower any municipal officer to exercise,

perform or discharge any such power, duty or function under the control of the



Commissioner and subject to his revision and to such conditions and limitations, if any, as he may think fit to impose.

Municipal Officers exercise certain of the powers, etc., of the Commissioner empowered to

119. (1) [192][XXX] Any of the powers, duties or functions may be conferred or imposed upon or vested in the Commissioner by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner, and subject to his revision and to such conditions, if any, as may be imposed, or as he shall think fit to impose in a manner not inconsistent with the provisions of this Act or rules made thereunder, by any municipal officer whom the Commissioner generally or specially empowers by orders in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" occurring in any provision in this Act, shall be deemed to include such officer.

[192][(2) [XXX]]

Corporation may call for extracts from proceedings of the Standing Committee, etc.

120. The Corporation may at any time call for any extract from any proceedings of the Standing Committee or of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the Standing Committee or any such committee or sub-committee is empowered by or under this law to deal; and every such requisition shall be complied with by the Standing Committee or other Committee or sub-Committee, as the case may be, without unreasonable delay.

Corporation may require Commissioner to produce documents and furnish returns, reports etc.

121. (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

192. Omitted by Act No.3 of 1994.



control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, plan estimate, statement, account or statistics concerning or connected with any matter appertaining 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 officer 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) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

Provided that where on the receipt of the requisition as aforesaid the Commissioner is of the opinion that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public he shall place the matter before the Mayor and obtain his decision thereon and shall act in accordance with such decision which shall be final.

Right to ask questions and make proposals.

122. (1) Subject to any bye-law made in this behalf under section 586, a #[member] may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal Government of the city:

Provided that—



(a) not less than seven clear days notice in writing specifying the questions has been given to the Municipal Secretary;

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the city; or

(iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity; or

(iv) which is or by implication may be, defamatory of or which makes or implies, a charge of a personal character against any person or section of any community; or

(v) which contravenes any bye-law made in this behalf under section 586.

(2) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the Mayor shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question, if in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for



information which has been communicated to him in confidence.

(5) Any #[member] may call the attention of the Commissioner to any neglect in the execution of the municipal work, to any waste or damage to the municipal property or to the wants of any locality and may suggest in respect thereof any proposal or improvement which he considers desirable.

193[Explanation:- For the purpose of this section, the expression "#[member]" shall include an ex-officio #[member].]

Exercise of powers to be subject to sanction by necessary Corporation of the expenditure.

123. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (2) of section 172, be subject to the conditions that:—

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

(b) 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 financial year, the sanction of the Corporation is taken before liability for such expenditure is incurred:

194[Provided that during any financial year the renewals of previous sanctions or the fresh sanctions for any works, purchases and constructual services, as the case may be, shall not exceed the sum provided in the budget estimates for that financial year.]

193. Added by Act No.24 of 1974.

194. "Proviso" added by Act No.3 of 1994.



Contracts.

Power of the Commissioner to execute contracts on behalf of the Corporation.

124. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely:—

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

(b) no such 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 some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

195[(c) It shall be competent for the Commissioner to make a contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, not involving an expenditure exceeding rupees 196[two crores];]

197[(d) [XXX]]

(e) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

195. Substituted by Act No.11 of 1991.

196. Substituted by Act No.5 of 2016.

197. Omitted by Act No.3 of 1994.



Works costing more than [rupees two crores].

198[124-A. It shall be competent for the Standing Committee to sanction works contract involving an expenditure 199[exceeding rupees two crores but not exceeding rupees three crores.]

Mode of executing contracts.

125. (1) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(a) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Corporation; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding 200[rupees five thousand] shall be in writing and shall be sealed with the common seal of the Corporation in the manner specified in sub-section (2) and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

201[(2) The common seal of the Corporation, which shall remain in the custody of the Commissioner, shall be affixed in the presence of the Commissioner or his nominee to every contract or other instrument required to be under seal, and such contract or instrument shall be signed by the

198. Section 124-A inserted by Act No.11 of 1991.

199. Substituted including marginal heading by Act No.5 of 2016. 200. Substituted by Act No.2 of 1981.

201. Substituted for sub-section (2) with proviso by Act No.15 of 2013.



Commissioner in token of the same being sealed in his presence. The signature of the Commissioner shall be distinct from the signatures of any witness to the execution of any such contract or instrument.]

Tenders to be invited for contracts involving expenditure exceeding [Rs.5 lakhs].

126. (1) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding 202[rupees five lakhs], give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 124, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

Provided that the Standing Committee may for reasons which shall be recorded in their proceedings, authorise the Commissioner, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

127. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Power of Corporation to determine whether works shall be executed by contract.

128. Notwithstanding anything contained in this Act, the Corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

202. Substituted including marginal heading by Act No.11 of 1991.



Works costing more than [rupees three crores].

129. Where a project is framed for the execution of any work the estimated cost of which exceeds 203[rupees three crores]-

(a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the Standing Committee shall lay the same before the Corporation;

(b) the Corporation shall consider the report and may reject the project or approve it either in its entirety or subject to modifications 204[in respect of works contract involving an expenditure 205[exceeding rupees three crores but not exceeding rupees six crores];

(c) 206[where the Corporation approve the project, the estimated cost of which 205[exceeds rupees six crores] the report, subject to any modifications as aforesaid, shall be submitted to the Government;

(d) the Government may, after necessary technical scrutiny, sanction the project, either in its entirety or subject to modification;

(e) where the Government sanctions the project subject to modification, it shall be returned to the Corporation for reconsideration;

(f) if after reconsideration, the Corporation re-submits the project, the Government may sanction it subject to such modifications as it may deem fit to make and such sanction of the Government shall be final.

203. Substituted including marginal heading by Act No.5 of 2016. 204. Added by Act No.15 of 2013.

205. Substituted by Act No.5 of 2016.

206. Substituted by Act No.15 of 2013.



207[129-A. [XXX]]

## CHAPTER IV
## LOCAL GOVERNMENT SERVICE & MUNICIPAL OFFICERS AND SERVANTS.

### Local Government Service.

Local Government Service.

130. (1) There shall be constituted for the purposes of this Act, and of any law for the time being in force regulating the powers and duties of other local authorities, a Local Government Service consisting of officers and servants of a Corporation who hold any of the posts specified in Schedule C which may from time to time be amended by the Government 208[XXX].

(2) Government shall have the power to appoint, dismiss and transfer and to take disciplinary action against officers belonging to the said service and prescribe conditions of their service.

(3) Unless it be otherwise prescribed under sub-section (2) the Hyderabad Civil Service Rules for the time being in force relating to the appointment and conditions of service and all rules for the time being in force relating to the conduct and enquiry into the conduct of Government servants shall apply to officers belonging to the Local Government Service.

Local Government Service Fund.

131. (1) There shall be constituted a Local Government Service Fund to meet expenditure in respect of salaries, allowances, pensions, provident fund,

gratuity and other necessary expenditure payable to the officers and servants of Local Government Service appointed under the provisions of this Act or of any other law for the time being

207. Section 129-A omitted by Act No.15 of 2013. 208. Omitted by Act No.3 of 1994.



inforce or rules made thereunder or by any order of the Government.

(2) The Corporation shall contribute 12½% of its revenue towards the Local Government Service Fund constituted under sub-section (1):

Provided that the Government may from time to time by a notification in the *Telangana Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Power of Government to appoint other officers.

132. (1) The Government may, in addition to the officers and servants specified in Schedule C appoint for the purposes of this Act and of any law for the time being in force regulating the duties and powers of other local authorities, duly qualified person or persons to be Superintending Engineer, Chief Town Planner, Divisional Engineers, Assistant Engineers, Assistant Town Planning Officers, Architects, Inspecting Officers or other Officers for the whole or any part of the State and may sanction such establishment for the said officers as may be deemed necessary.

(2) The officers and establishment appointed under sub-section (1) shall belong to the Local Government Service and their expenses shall be defrayed from the Local Government Service Fund constituted under section 131.

(3) The powers and duties of the officers mentioned in sub-section (1) shall be such as may from time to time be determined 209[by the Commissioner].

209. Substituted by Act No.3 of 1994.



[Constitution of Common Municipal Service.]

210[132-A. 211[(1) Notwithstanding anything contained in this Act or any other law for the time being in force, Government may, after consulting the Greater Hyderabad Municipal Corporation, the Hyderabad Metropolitan Development Authority, all Urban Development Authorities, other Municipal Corporations, Municipalities and Nagar Panchayats in the State, by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State consisting of any class of officers or employees of the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State.]

(2) Upon the issue of a notification under sub-section (1), the Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the 212[Common Municipal Service] thereby constituted and such rules may vest jurisdiction in

relation to such service in the Government or in such other authority or authorities as may be prescribed therein.

(3) Nothing in this section shall affect the operation of 212[the Telangana Local Government Service (Declaration as State Civil Service) Act, 1956 (Act XX of 1956)] in so far as it relates to the municipal officers and municipal employees who are declared to be borne on the State Civil Service as declared under section 3 of that Act.]

210. Section 132-A inserted by Act No.33 of 1986.

211. Sub-section (1) and marginal heading substituted by Act No.13 of 2017.

212. Substituted by Act No.13 of 2017.



## City Engineer, Medical Officer of Health, Municipal Examiner of Accounts & Municipal Secretary.

133. The Government shall appoint fit persons to be City Engineer, Medical Officer of Health, Municipal Examiner of Accounts and Municipal Secretary, for the efficient functioning of the Corporation. — Appointment of City Engineer, etc.

134. The City Engineer and Medical Officer of Health shall perform such duties as they are directed by or under this Act or the rules or bye-laws made thereunder or as may from time to time be required by the Commissioner 213[XXX]. — Power and duties of City Engineer and Medical Officer of Health.

135. The Municipal Examiner of Accounts shall,— — Power and duties of Examiner of Accounts.

(a) perform such duties as he is directed, by or under this Act or rules made thereunder to perform and such other duties with regard to the audit of the Accounts of the Municipal Fund as will be required by him 214[by the Commissioner];

(b) specify, subject to such directions as the 214[Commissioner] may, from time to time, give the duties and powers of the Auditors, Assistant Auditors, Clerks and servants immediately subordinate to him; and

(c) subject to the orders of the 214[Commissioner] exercise supervision and control over the acts and proceedings of the said Auditors, Assistant Auditors, Clerks and servants.

136. The Municipal Secretary shall be the Secretary of the Corporation and also of the Standing Committee and shall,— — Powers and duties of Municipal Secretary.

213. Omitted by Act No.3 of 1994.

214. Substituted by Act No.3 of 1994.



(a) perform such duties as he is directed by or under this Act to perform and such other duties in and with regard to the Corporation and the Standing Committee, 215[as shall be required of him by the Commisssioner];

(b) have the custody of all papers and documents connected with the proceedings of:

(i) the Corporation and any Committee appointed by the Corporation under section 98,

(ii) the Standing Committee and any sub-committee thereof;

(c) specify subject to such directions as the 215[Commisssioner] may from time to time give, the duties of the officers and servants immediately subordinate to him; and

(d) subject to the orders of the 215[Commisssioner] exercise supervision and control over the acts and proceedings of the said officers and servants.

Municipal Officers and Servants

Numbers, designations, grades, etc., of Municipal Officers and servants.

137. (1) Subject to the provisions of sub-section (5) the Standing Committee may from time to time determine the number, designation, grades, fees and allowances of officers and servants to be immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary.

(2) The Commissioner shall from time to time prepare and bring before the Standing Committee statements setting forth the number, designations, grades, fees and allowances of the officers and servants who should in his opinion be

215. Substituted by Act No.3 of 1994.



maintained and the amount and nature of the grades, fees and allowances which he proposes should be paid to each.

(3) The Standing Committee shall subject to the provisions of sub-section (5) sanction such statements either as it stands or subject to such modifications as it deems expedient.

(4) In discharging the functions vested in them by sub-sections (1), (2) and (3) the Standing Committee and the Commissioner shall determine the grades, fees and allowances in conformity with the arrangements prevailing and the schedule of rates in vogue in the establishment of the Government.

216[(5) no new posts, whether permanent or temporary, shall be created,-

(i) 217[without the sanction of the Standing Committee and the Government] in respect of the posts upto and inclusive of an upper division clerk or any equivalent post carrying the same or similar scale of pay;

(ii) 217[without the sanction of the Corporation and the Government] in respect of the posts upto and inclusive of a Superintendent or any equivalent post carrying the same or similar scale of pay;

(iii) without the sanction of the Government in respect of all other posts;]

218[(6) [XXX]]

216. Substituted by Act No.2 of 1981.
217. Substituted by Act No.3 of 1994.
218. Omitted by Act No.2 of 1981.



219[138. [XXX]]

Conditions of service and manner of making appointments.

139. The appointment of Municipal Officers and servants 220[shall be made by such auhtority, in such manner] and subject to such conditions of service as may be prescribed.

Application of the Hyderabad Civil Service Rules and certain other rules.

140. Unless otherwise prescribed under section 139, the Hyderabad Civil Service Rules Manual relating to the appointment and conditions of service and all rules for the time being in force relating to the conduct and inquiry into the conduct of Government servants shall apply to the Municipal Officers and servants:

[221][Provided that in the case of posts carrying such scale of pay as may, from time to time, by notification be specified by the Government, the appointing authority shall be the Commissioner.]

Power of suspension, punishment and dismissal in whom to vest.

141. (1) An Appointing authority may, subject to the provisions of this Act, impose any of the penalties specified in sub-section (2) on a Municipal Officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of rules made and orders issued under this Act or of discipline or of carelessness, or neglect of duty or of other misconduct:

[222][Provided that:

(a) no municipal officer or servant shall be dismissed or removed by an authority subordinate to that by which he was appointed;

219. Section 138 omitted by Act No.2 of 1981.

220. Substituted by Act No.2 of 1981.

221. "Proviso" added by Act No.3 of 1994.

222. Substituted by Act No.2 of 1981 (also Act No.3 of 1994).



(b) any municipal officer or servant may be placed under suspension pending taking of proceedings under this section, by such authority subordinate to the appointing authority as may be prescribed.]

(2) Penalties which may be imposed under this section are the following viz,-

(a) Censure, (b) withholding of increments or promotion including stoppage at an efficiency bar, (c) reduction to a lower rank in the seniority list or to a lower post, (d) fine, (e) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation, (f) suspension, (g) removal of Municipal Officer or servant which does not disqualify from future employment, (h) dismissal of Municipal Officer and servant which ordinarily disqualifies from future employment.

(3) No penalty specified in sub-section (2) shall be imposed on any Municipal Officer or servant by any authority unless proceedings are taken in accordance with the provisions of [223]the Hyderabad Civil Service (Classification, Control & Appeal) Rules.

(4) Subject to the [224][proviso to sub-section (1)] any Municipal Officer or servant, on whom any penalty specified in sub-section (2) is imposed by any authority other than the Corporation, may within three months of the communication to him of the order of imposition of the penalty, appeal to the authority immediately superior to the authority imposing the penalty and the appellate authority may, after obtaining the remarks of the authority which imposes the penalty, either confirm the orders passed or substitute for it such order as it considers just including an order for the imposition of some

223. See now the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

224. Substituted by Act No.2 of 1981.

lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive:

225[Provided that for the purpose of this sub-section the Corporation shall be the authority immediately superior to the Commissioner.]

Leave of absence.

226[142. Leave of absence to any Municipal employee by whomever appointed, may be granted by the Commissioner, subject to the rules applicable to him.]

Appointment during absence of an Officer.

143. The appointment of a person to act in the place of a Municipal Officer or servant absent on leave may be made when necessary subject to the aforesaid rules by the authority granting the leave.

Disqualification of Municipal Officers and servants.

144. (1) Any person who is directly or indirectly by himself or his partner, or if he belongs to a Joint Hindu Family by any member of the family, has any share or interest in any contract or employment with, by or on behalf of the Corporation other than as a Municipal Officer or servant shall be disqualified for being a Municipal Officer or servant.

(2) Any Municipal Officer or servant who shall acquire by himself or his partner any share or interest in any contract or employment as aforesaid shall cease to be a Municipal Officer or servant and his office shall become vacant.

Explanation:- Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as in clause (h) of section 22 it is permissible for a #[Member] to have without his being thereby disqualified for being a #[Member].

225. Substituted by Act No.3 of 1994.

226. Section 142 substituted by Act No.3 of 1994.



## CHAPTER V.

## MUNICIPAL PROPERTY

### Acquisition of Property.

Powers of Corporation as to acquisition of property.

145. (1) The Corporation shall, for the purposes of this Act have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

227[(2) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions as may be imposed by the Government and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

(3) It shall be competent for the Government to resume any land transferred to the Corporation by the Government with or without a condition for resumption whether before or after the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1991 for utilization by the State Government or the Central Government or any authority under their control.]

Acquisition of immovable property by agreement.

146. (1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commisioner

shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee, either generally for any class of cases or specially in a particular case.

227. For sub-section (2), sub-sections (2) and (3) substituted by Act No.11 of 1991.



(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(3) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes of any scheme under Chapter XIII or with the owner of any right which may have been created by legislative enactment over any street

forming part of the land so needed, for the purchase of such land or of any intsrest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.

(4) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (1), (2) or (3) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds rupees five thousand unless and until such contract has been approved by the Corporation.

(5) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of 228[two officers nominated by the Commissioner] and shall also have the signature of the said 229[two officers].

228. Substituted by Act No.3 of 1994.

229. Substituted by Act No.15 of 2013.



(6) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as provided in sub-section (4) shall be binding on the Corporation.

(7) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

Procedure when any immovable property cannot be acquired by agreement.

147. (1) Whenever the Commissioner is unable to acquire immovable property under the last preceding section by agreement, the Government may, in their discretion, upon the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, 230[in accordance with the provisions of the 231Land Acquistion Act, 1894 as amended from time to time as if such property were land needed for a public purpose within the meaning of the provisions of the said Act.]

Central Act 1 of 1894.

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

Disposal of Property.

Disposal of property and interests therein.

148. (1) Subject to the provisions of section 124, the Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation the value of

230. Substituted by Act No.14 of 1989.

231. Please see now the provisions of Central Act No.30 of 2013.



which does not exceed 232[rupees twenty five thousand] in each instance, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the

Corporation or lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the Standing Committee within fifteen days.

(2) With the sanction of the Standing Committee, the Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation [232][the value of which exceeds rupees twenty five thousand but does not exceed such sum as may be specified by the Government by notification, from time to time] in each instance, or grant for any term not exceeding three years a lease of any immovable property belonging to the Corporation or a lease or concession of any such right as aforesaid.

[233][(3) [232][In cases not covered by sub-section (1) or sub-section (2), the Commissioner] shall not lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation without the previous sanction of the Corporation and of the Government:]

[234][Provided that in no case the lease period of immovable property shall exceed twenty five years.]

(4) The sanction of the Standing Committee under sub-section (2) [233][or the previous sanction of the Corporation and of the Government] under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

232. Substituted by Act No.3 of 1994.

233. Substituted by Act No.4 of 1993.

234. Proviso added by Act No.15 of 2013.



(5) The Commissioner may lend or let out on hire any movable property belonging to the Corporation on such conditions and for such periods as may be specified in regulations made by the Standing Committee in that behalf.

## CHAPTER VI.

## BORROWING POWERS.

Powers to borrow from Central or State Government or other persons.

149. The Corporation may, from time to time, borrow or re-take up at interest from the Central or the State Government or with the sanction of the Government, from any other person, any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(c) making good any deficit in budget estimate, framed under section 184,

(d) generally, carrying out the purposes of this Act.

Provisions under this Act applicable to any new loan contracted with Central or State Government.

150. If any new loan shall be contracted by the Corporation with the Central or the State Government, the same shall be subject to such terms and conditions as regards the period and manner of repayment, security and the rate of interest, as may be fixed by the Central Government, or as the case may be, by the State Government.

Mortgage of taxes or immovable property.

151. (1) The Corporation may borrow or re-borrow any such sum as aforesaid from any person other than the Central or the State Government on the security of any immovable property belonging to them or proposed to be acquired by



them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act or of all or any of those securities.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced, any such immovable property or tax or the said undertaking.

Provisions as to exercise of borrowing powers.

152. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely:

(a) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinion of the Government, to be spread over a term of years;

(b) the money may be borrowed for such time, not exceeding sixty years, as the Corporation, with the sanction of the Government determine in each case;

(c) the Corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal or of principal and interest, or in such other manner as may be approved by the Government, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by the Government;

(d) the Corporation may at any time apply the whole or any part of a sinking fund set apart under this section in or



towards the discharge of the moneys for the repayment of which the fund has been established:

Provided that the Corporation pay into the fund each time that interest which would have been received by them in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

(e) the investment every year of any sum set apart as portion of the principal of a sinking fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the Corporation in respect of the loan for the repayment of which such sinking fund is established; and the reinvestment of any sum received by the Corporation on account of interest on moneys appertaining to a sinking fund already invested, and the investment of any sum payable into the fund under clause (d) as the equivalent of interest which the Corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorised by the said clause, shall be made

within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be:

Provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys

forming part of such sinking fund may be retained by the Corporation in such form as they think fit;

(f) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the



money so borrowed shall not, unless sanctioned by the Government, extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Investment of sinking fund and surplus moneys in debentures issued by the Corporation.

153. (1) In respect of any sinking fund which by this Act the Corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the Corporation is empowered to invest in like securties, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Government shall have been duly obtained under section 149, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(2) The issue of any such debentures direct to and in the name of the Municipal Commissioner, for the city or on behalf of the Corporation shall not operate to extinguish or cancel debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Commissioner on behalf of the Corporation of any debenture issued by the Corporation for the improvement of the City shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the extent as if held by, or transferred, assigned or endorsed to any other person.

Annual examination of sinking funds.

154. (1) All sinking funds established under this Act shall be subject to annual examination by the Accountant General,



[235][XXX] who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan.

(4) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant General, 236[XXX] may certify to be deficient, unless the Government specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant General, 236[XXX] shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the municipal fund.

235. The word "Hyderabad" was omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.

236. The word "Hyderabad State" were omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.



(6) If any dispute arises as to the accuracy of any certificate made by the Accountant General, 237[XXX] under sub-section (4) or (5) the Corporation may, after making the payment or transfer, as the case may be, refer the matter to the Government whose decision shall be final.

Corporation may take advances from banks and grant mortgages.

155. (1) Notwithstanding anything contained in sections 149, 151 and 152 the Corporation may, with the previous sanction of the Government, and for the purpose of discharging any liability take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the Corporation, for a sum not exceeding in the aggregate rupees fifteen lakhs on the security of all or any of the taxes which the Corporation are authorised to levy for the purposes of this Act.

(2) The Corporation may, also with the previous sanction of the Government and subject to the provisions of this Act, mortgage any lands or property vesting or revesting or belonging to the Corporation in security of the payment of the amount of such creditor of the sums advanced from time to time on such cash account with interest thereon.

Corporation to have power to borrow from banks against Government promissory notes or securities.

156. Notwithstanding anything contained in sections 149 and 152 the Corporation may also borrow for the purpose of this Act, from any bank or banks in which under section 178 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the Corporation may be invested.

Form of security.

157. (1) Every mortgage authorised to be made under this Chapter other than a mortgage made under section 155 shall be by debenture in the form contained in Schedule D

237. The word "Hyderabad State" were omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.



or in such other form as the Corporation, with the consent of the Government shall, from time to time determine.

(2) Every debenture issued under this Act shall be transferable by endorsement.

(3) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

158. (1) When a debenture issued under this Act relating to the Municipal Government is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction, it would be payable, he may, on application to the Commissioner, and on producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim, obtain from him an order— Issue of duplicate securities.

(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),

(i) for the payment of interest in respect of the debenture pending the issue of duplicate debenture, and

(ii) for the issue of a duplicate debenture payable to the applicant,

or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),



(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification of the loss, theft or destruction of the debenture and after the expiration of such period as may be determined by the Corporation, nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(3) A list of the debentures in respect of which an order is passed under sub-section (1) shall be published in the *Telangana Gazette.

(4) If at any time before the Corporation becomes discharged under the provisions of section 162 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of debentures.

159. Subject to the provisions of section 160 a person claiming to be entitled to a debenture issued under this Act may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be determined by the Commissioner obtain a renewed debenture payable to the person applying.

Renewal of debentures in case of dispute as to title.

160. (1) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an



application for renewal has been made, the Commissioner may—

(a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or,

(b) refuse to renew the debenture until such a decision has been obtained, or,

(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 159 unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.— For the purposes of this sub-section the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purposes of the inquiry referred to in clause (c) of sub-section (1) the Commissioner may himself record or may request the Chief City Magistrate or the District Magistrate as the case may be to record or cause to be recorded, the whole or any part of such evidence as the parties may produce. The Chief City Magistrate or the District Magistrate to whom such request has been made, may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and



shall forward the record of such evidence to the Commissioner.

(3) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record the evidence on oath.

Liability in respect of debenture renewed.

161. (1) When a renewed debenture has been issued under section 159 in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving title thereafter through him.

(2) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

Discharge in certain cases.

162. When a duplicate debenture has been issued under section 158, or when a renewed debenture has been issued under section 159 or section 160, or when the principal sum due on a debenture in respect of which an order has been made under section 158, for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be—

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 158 or from the date of the last payment of interest on the original debenture, whichever date is later,

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 158.

Indemnity.

163. Notwithstanding anything in section 159 or 160, the Commissioner may in any case arising under either of those sections—

(1) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewed debenture unless such indemnity is given.

Right of survivors of joint payees of securities.

164. (1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

Power of one or two or more joint holders to grant receipts.

165. Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, any one of those persons may give an effectual receipt for any interest



or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.

Issue of stock certificates.

166. (1) The Standing Committee at its discretion may at the time of issue or at any time during the currency of any debenture or security issued under this Act upon the application of the subscriber for, or holder of any such debenture or security, issued to him in lieu of the debenture or security deliverable to or held by him, a certificate in the nature of a stock certificate in respect of the loan to which such debenture or security relates, which shall be in such form as the Corporation with the previous consent of the Government shall from time to time determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far as may be, apply to the interest on the stock certificate.

(2) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (1) in lieu of a debenture or any other security, not being a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the

form contained in Schedule D to this Act.

(3) The Standing Committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

(4) The Corporation may from time to time make, alter or rescind bye-laws regulating—

(a) the amounts for which stock certificates may be issued;



(b) the fees to be levied in respect of the issue of stock certificates;

(c) the form of keeping a register of the holders of stock;

(d) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged;

(e) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock;

(f) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied or the indemnity to be required on any such issue;

(g) generally the measures to be adopted for carrying out the objects of this section.

(5) No bye-law or alteration or rescission of a bye-law shall have effect until the same shall have been approved by the Government and such approval shall have been published in the *Telangana Gazette.

Annual statement to be prepared by Commissioner.

167. (1)The Commissioner shall at the end of each year prepare a statement showing—

(a) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year with particulars of the amount outstanding at the commencement of the year; the date of borrowing and the annual loan charges;

(b) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges;



(c) in the case of every loan for which a sinking fund is maintained the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year;

(d) the loans repaid in the year and, in the case of the loans repaid in installments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year;

(e) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Telangana Gazette and a copy of such statement shall be sent to the Government and to the Accountant General, 238[XXX].

Attachment of municipal fund for recovery of money borrowed from Government.

168. (1) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the municipal 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 servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

238. The words "Hyderabad State" were omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.



Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but 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.

## CHAPTER VII.

## REVENUE AND EXPENDITURE.

### The Municipal Fund.

Constitution of Municipal Fund.

169. (1) Subject to the provisions of this Act and the rules and bye-laws-

(a) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract,

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

(c) all rents accruing from any property of the Corporation,

(d) all moneys raised by any tax levied for the purposes of this Act,

(e) all fees and fines payable and levied under this Act or under any rule, bye-law or standing order in force thereunder,

(f) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(g) all moneys received by or on behalf of the Corporation from the Government or public bodies, private



bodies or private individuals by way of grant or gift or deposit, subject, however, to the conditions, if any, attached to such grant, gift or deposit, and

(h) all interest and profits arising from any investment of or from any transaction in connection with any money belonging to the Corporation, shall be credited to a fund which shall be called 'the Municipal Fund' and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

(2) The Municipal Fund constituted under sub-section (1) shall include the accumulated balances at the credit of the Corporation immediately before coming into force of this Act.

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

170. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid into 239[the State Bank of Hyderabad] to the Credit of an account which shall be styled "the account of the municipal fund of the City of ....".

How the fund shall be drawn against.

171. (1) Subject to the provisions of section 678 no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by two persons in the manner specified below, namely—

240[(a) by either the Commissioner, Additional Commissioner, Deputy Commissioner, Accounts Officer-cum-Financial Advisor or any other officer authorised by the Government;]

(b) by either the Examiner of Accounts or in his absence by the Officer immediately subordinate to him.

239. Now State Bank of India since merged w.e.f.01.04.2017. 240. Substituted by Act No.3 of 1994.



(2) Payment of any sum due by the Corporation in excess of rupees one hundred shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payment of any sum due by the Corporation, not exceeding rupees one hundred in amount, may be made by the Commissioner in cash, cheques for sums not in excess of rupees one thousand each, signed as aforesaid, being drawn from time to time to cover such payments.

Only sums covered by a budget grant to be expended from municipal fund.

172. (1) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget grant, and sufficient balance of such budget grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 191 or section 192.

Exceptions.

(2) The following items shall be excepted from the prohibition, imposed by sub-section (1), namely:—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 190;

(b) temporary payments under section 176 for works urgently required in the public service;

(c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(e) sums which the Commissioner is by sub-section (2) of section 293, sections 398 and 406, sub-section (2) of section 522, sub-section (4) of section 556, section 648 and

clause (b) of sub-section (2) of section 667 required or empowered to pay by way of compensation;

(f) sums payable in any of the circumstances mentioned in clause (f) of section 174;

(g) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 565;

(h) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 117.

(3) In sub-section (1) "budget grant" means a budget grant within the meaning of that term as defined in section 188 and includes any sum by which such budget grant may at any time be increased by a transfer under sub-section (1) of section 191.

Procedure when money not covered by a budget grant is expended under clauses (e), (f), (g) or (h) of sub-section (2) of section 172.

173. Whenever any sum is expended by the Commissioner under clauses (e), (f), (g) or (h) of sub-section (2) of section 172, he shall forthwith communicate the circumstances to the Standing Committee, which shall take such action under sub-section (2) of section 191 or recommend the Corporation to take, under section 189 or under sub-section (1) of section 191, such action as shall in the circumstances, appear proper and expedient for covering the amount of the additional expenditure.

Purpose for which Municipal Fund is to applied.

174. The moneys from time to time, credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

(a) the expenses of every election held under this Act;



(b) the contributions required to be made under sub-section (2) of section 131;

(c) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pension, gratuities payable under the provisions of this Act or the bye-laws or of the statement framed under this Act for the time being in force;

(d) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

(e) any sum chargeable under section 196;

(f) every sum payable—

(i) under section 664 or sub-section (1) of section 678 to the Government;

(ii) under a decree or order of a civil or criminal court

passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner, in their capacities as such;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 674;

(g) contributions to public institutions;

(h) conveyance allowance to the Mayor and the #[Members] of the Corporation for attending any meeting of the Corporation or Committee appointed under this Act.



Municipal Fund where to be expended.

175. Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the city only, but may, by a resolution of the Corporation supported by not less than half the total number of #[members], be made outside the city for any of the purposes of this Act.

Temporary Payments from the municipal fund for works urgently required for public service.

176. (1) On the written requisition of a Secretary to the Government the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the Municipal Government. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the Government and credited to the Municipal Fund.

(2) On receipt of any requisition under sub-section (1), the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the steps taken by him in pursuance of the same.

Special Funds.

Constitution of Special Funds.

177. The Corporation may constitute such special funds as may be prescribed and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed.

Disposal of Balances.

Investment of surplus money.

178. (1) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the



241[State Bank of Hyderabad] or be invested in public securities.

(2) All such moneys which are required to be kept readily available for application to purposes of this Act and all such surplus moneys which cannot in the opinion of the Commissioner and the Standing Committee be deposited or invested in the manner specified under sub-section (1) may be deposited at such bank or banks in the City which the Corporation may, subject to the approval of the Government, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing

Committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and redeposit or reinvest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by two persons in the manner specified in sub-section (1) of section 171 for signing of cheques.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

Keeping of income Accounts.

242[179. Subject to the provisions of this Act, accounts of and expenditure, assets and liablilities, and receipts and payments of the Corporation shall be kept in such manner and in such forms as may be specified.]

Preparation of each first Annual Administration Report and Statement of Accounts.

180. (1) The Commissioner shall, as soon as may be after day of April, cause to be prepared a detailed report of the municipal administration of the City during the previous financial year, together with a statement showing the 243[amounts of income and expenditure, assets and liabilities, and receipts and payments of the] Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

(2) The Commissioner shall incorporate with the said report and statement—

(a) report for the same period from each head of a department subordinate to him;

(b) the account of balances due on loans then last published under section 167.

(3) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with a copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each #[Member] by such date as the Standing Committee may from time to time, specify and copies thereof, shall be placed for sale at the Chief Municipal office at such price as the Commissioner may fix.

244[(4) The report and the statement, after examination by the Standing Committee shall also be laid before the Corporation for its approval.]

241. Now the State Bank of India since merged w.e.f.01.04.2017. 242. Substituted by Act No.22 of 2011.



Report and statement to be laid before the Assembly.

181. (1) The Commissioner shall forward a copy of each of the report and statement prepared by him under section 180 together with a copy of the Committee's review to the Assembly.

243. Substituted by Act No.22 of 2011.
244. Added by Act No.22 of 2011.



245[Local Administration] Department for the purpose of being laid before the Legislative Assembly of the State.

(2) On receipt of such report and statement the Secretary to Government, Local Administration Department shall with such comments, if any, as he may deem necessary to make thereon take steps to cause the said report and statement to be laid without delay before the Legislative Assembly.

Estimates of income and expenditure to be prepared annually by Commissioner.

182. The Commissioner shall on or before each tenth day of November, cause to be prepared and lay before the Standing Committee, in such form as the said Committee shall from time to time approve:—

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing financial year;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing financial year;

(c) an estimate of the Corporation's receipt and income for the next ensuing financial year other than from taxation;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing financial year.

Classification of budget heads.

183. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units:—

245. Substituted for the words "Local Government" by the Andhra Pradesh Adaptation of Laws Order, 1957.



(a) 'Major head' means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads;

(b) 'Minor head' means the head of accounts immediately subordinate to a major head under which each major head is classified and may be further sub-divided into two or more subordinate heads;

(c) 'Subordinate head' means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units;

(d) 'Primary unit' means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

Green Budget.

246[183-A. The Corporation shall allocate 10% of the Annual Budget as the "Green Budget" to meet the requirements of plantations and nursery.

Zone wise-Green Action Plan.

183-B. (1) The Corporation Level Committee headed by the Commissioner, and consisting of Additional Commissioner (Urban Bio Diversity) or equivalent level officer in charge of Haritha Haram and respective Zonal Commissioners shall draw up Ward-wise and Circle-wise "Green Action Plan" year-wise for a period of 5 years which will clearly specify number of plants to be planted, keeping in mind the area, topography and availability of all possible spaces available for taking up plantations.

(2) The Committee shall accordingly decide the size and location for setting up the Ward-wise nursery which will

246. Sections 183-A and 183-B inserted with marginal headings by Act No.20 of 2020.



be sufficient to meet the requirements of the Ward. The Committee shall also decide the Corporation Green area specific plants and species to ensure maximum survival and growth of these plants. A campaign to propagate plantation involving all possible advertising means such as, cinema slides and other such means shall be taken up to keep up the momentum.

(3) The cost of maintaining the nursery and taking up plantations and their survival shall be met from the "Green Budget" earmarked in the Corporation budget.

(4) The Mayor or Ward member and the Zonal Commissioner or Deputy Commissioner or any other officer authorized by Commissioner, shall be responsible for setting up the nursery to take care of the requirements of their area. The nursery should be able to meet the year-wise requirements of the Zone anytime for a period of 5 years and additional capacity to meet the requirements also by the households to take up plantations within their individual plot premises. These saplings will be provided free of cost.

(5) The Zonal Commissioner shall designate Special or Nodal Officers for Ward(s) so as to cover all the Wards who will be responsible for taking up the plantation and ensuring their survival in accordance with the Ward-wise action plan, Zone-wise "Green Action Plan".

(6) The Ward member shall be responsible for taking up the plantations in his or her ward as per the 'Zonal Green Action Plan' and ensuring their survival.

(7) It shall be the responsibility of the Ward member and the Special Officer to ensure 85% survival of plants. Likewise, it shall be the responsibility of the Ward member and the Zonal Commissioner to ensure proper upkeep and growth of nursery. The Commissioner shall have the power



to form flying squads and take up regular inspections of these plantations ward-wise and the stat of Nurseries.

(8) In all such cases where the survival is less than 85% and or there is no or lackadaisical involvement of the Ward member or the Special or Nodal Officer resulting in poor survival of plants, the Ward member shall be disqualified and removed and likewise, the Special or Nodal Officer shall be removed from service by the Commissioner, for his or her failure to ensure 85% survival of plantations.]

Budget estimates to be prepared by the Standing Committee.

184. (1) The Standing Committee shall on or as soon as may be after each tenth day of November consider the estimates and proposals of the Commissioner after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require and having regard to the requirements of this Act shall frame therefrom subject to such modifications and additions therein or thereto as they consider them fit a budget estimate of the income and expenditure of the Corporation for the next financial year.

(2) The budget estimate of a Standing Committee shall:—

(a) propose with reference to the provisions of Chapter VIII the levy of municipal tax at such rates and in the case of octroi on such articles as they shall think fit;

(b) provide for the payment, as they fall due of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act;

(c) allow for the appropriation of any special funds of the sum estimated by the Corporation, revised as it thinks proper;

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(d) provide any funds it considers from the balances of any special funds maintained under section 177;

(e) allow for a cash balance at the end of the said year exclusive of the balances, if any, in any special fund constituted under section 177 of a sum prescribed in this behalf.

(3) The Commissioner shall cause the budget estimates as finally approved by the Standing Committee to be printed and shall not later than the 15th day of December forward a printed copy thereof with a usual or last known local place of abode of each #[Member].

Consideration of Budget estimate by Corporation.

185. At a meeting of the Corporation which shall be called for some day in January, not later than the tenth, the budget estimate, prepared by the Standing Committee with the report of the Standing Committee thereon shall be laid before the Corporation and they shall proceed to consider the same.

Fixing of rates of taxes.

186. The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitations and conditions provided in Chapter VIII, the rates at which municipal taxes referred to in section 197 shall be levied in the next ensuing financial year.

Final adoption of budget estimates.

187. Subject to the requirements of section 186 the Corporation may refer the budget estimate back to the Standing Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to them as they stand or subject to such alteration as they deem expedient:

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters

172 [Act No. II of 1956]

specified in clauses (b), (c) and (e) of sub-section (2) of section 184.

Budget grant defined.

188. The total sum entered under a major head on the expenditure side which has been adopted by the Corporation shall be termed a 'budget grant'.

Corporation may increase amount of budget grants and make additional grants.

189. (1) On the recommendation of the Standing Committee, the Corporation may from time to time during a financial year increase the amount of any budget grant, or making an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below the prescribed sum under clause (e) of sub-section (2) of section 184.

(2) Such increased or additional budget grants shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

Unexpended budget grants.

190. If the whole budget grant or any portion thereof remains unexpended at the close of the year in the budget estimate for which such grant was included and if the amount thereof has not been taken into account in the opening balance of the municipal fund the Standing Committee may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions or transfer.

191. (1) Subject to the provisions of sub-section (1) of section 189, the Corporation may, on the recommendation of the Standing Committee, from time to time, during a



financial year sanction the transfer of any amount from one budget grant to another.

(2) The Standing Committee may at any time during a financial year—

(a) reduce the amount of a budget grant;

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may, at any time during a financial year, sanction the transfer of any amount not exceeding 247[rupees five lakhs] within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability:

Provided that every transfer of an amount exceeding 247[rupees fifty thousand] made under sub-section (3) shall be reported forthwith by the Commissioner to the Standing Committee and that the said Committee may pass with regard thereto such order as they may think fit; and it shall be incumbent on the Commissioner to give effect to such order.

(4) When making any transfer under sub-sections (1), (2) and (3), due regard shall be had to all the requirements of this Act.

247. Substituted by Act No.3 of 1994.



(5) If any such reduction as is referred to in clause (a) of sub-section (2) exceeds rupees five hundred, the Corporation may pass with regard thereto such order as they may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

Readjustment of income and expenditure to be made by the Corporation during the course of financial year whenever necessary.

192. (1) If it shall at any time during any financial year appear to the Corporation, upon the representation of the Standing Committee, that notwithstanding any reduction of budget grants that may have been made under section 191, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than the prescribed sum in the case of the municipal fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(2) For the purpose of sub-section (1) the Corporation may diminish the sanctioned expenditure of the year so far as it may be possible so to do with due regard to the provisions of this Act.

Weekly scrutiny of accounts by Examiner of Accounts and scrutiny of accounts by the Standing Committee.

193. (1) The Municipal Examiner of Accounts shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the Standing Committee which may also from time to time and for such period as it thinks fit conduct independently an examination and audit of the municipal accounts.

(2) For the purposes of sub-section (1) the Standing Committee and the Municipal Examiner of Accounts shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee or the



Municipal Examiner of Accounts any explanation concerning receipts and disbursement which they may call for.

Duties and Powers of the Municipal Examiner of Accounts.

194. The Municipal Examiner of Accounts in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule E.

Report by Examiner of Accounts.

195. (1) The Municipal Examiner of Accounts shall-

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

(b) furnish to the Standing Committee such information as the said Committee may from time to time require concerning the progress of the audit.

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Examiner of Accounts to the Standing Committee and every statement of the views of the Municipal Examiner of Accounts on any matter affecting the performance and exercise of the duties and powers assigned to him under this Act which the Municipal Examiner of Accounts may require the Standing Committee to place before the Corporation, together with a report stating what orders, if any, have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(3) As soon as may be after the commencement of each financial year the Municipal Examiner of Accounts shall deliver to the Standing Committee a report upon the whole of the municipal accounts for the previous financial year.

(4) The Commissioner shall cause the said report to be printed and a copy thereof forwarded to each #[Member] along with the printed copy of Administration Report and Statement of Accounts referred to in section 180.

Audit of Accounts.

248[196. The Accounts of the Municipal Corporation shall be audited by the Director of State Audit, or by any officer nominated by him and a certificate of the accounts as audited shall be issued by the end of October every year duly marking a copy thereof to the Government and also to the Accountant General:

Provided that the Government may, at any time, for reasons to be recorded in writing appoint an Auditor for the purpose of making a special audit of the accounts and to report to the Government thereon.]

Finance Commission.

249[196A. (1) The Finance Commission constituted by the Governor in pursuance of article 243-I of the Constitution shall also review the financial position of the Corporation and make recommendations to the Government as to,-

(a) the principles which should govern,-

(i) the distribution between the State and the Corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Corportation of their respective shares of such proceeds;

(ii) the determination of the taxes, tolls and fees which may be assigned to or appropriated by the Corporation;

248. Substituted by Act No.3 of 1994.
249. Inserted by Act No.17 of 1994.



(iii) the grants-in-aid to the Corportaion from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Corporation;

(c) any other matter referred to the Finance Commission by the Government in the interests of sound finances of the Corporation.

(2) The Government shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of the State.]

## CHAPTER VIII.

## Municipal Taxation.

Taxes to be imposed under this Act.

197. (1) (i) For the purposes of this Act, the Corporation shall impose the following taxes, namely:-

(a) taxes on lands and buildings;
(b) octroi;
(c) taxes on vehicles;
(d) taxes on animals and boats;
250[(e) [XXX]]
251[(f) [XXX]]
(g) a tax on transfer of immovable property.

250. Omitted by Act No.22 of 1987.
251. Omitted by Act No.23 of 2017.

(ii) In addition to the taxes specified in clause (i) the Corporation may for the purposes of this Act and subject to the provisions thereof also impose any of the following taxes:-

(a) taxes on entertainments;

[252][(b) [XXX]]

(2) The Corporation may impose any tax other than those specified under sub-section (1) subject to the previous sanction of the Government.

(3) The taxes specified in sub-sections (1) and (2) shall be assessed and levied in accordance with the provisions of this Act and rules made thereunder.

[253][197-A. The provisions relating to the State Property Tax Board constituted under sub-section (1) of section 85-A of the Telangana Municipalities Act, 1965 shall mutatis mutandis applicable, subject to variation that for the word "Municipalities" the words "Greater Hyderabad Municipal Corporation" and for the words "Other Municipalities in the District" the words "Other Municipal Corporations in the State" shall be substituted.]

Notice regarding levy of Taxes.

198. (1) Before the Corporation passes any resolution imposing a tax specified in sub-section (1) of section 197 for the first time or at a new rate it shall direct the Commissioner to publish a notice in the *Telangana Gazette and in the local newspaper of its intention to do so and fix a reasonable period not being less than one month from the date of publication of such notice in the *Telangana Gazette for submission of objections. The Corporation may, after

252. Omitted by Act No.38 of 1961.

253. Section 197-A added by Act No.6 of 2012.



considering the objections, if any, received within the period specified, determine by resolution to levy the tax. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which, such tax shall be levied:

[254][Provided that the Corporation shall, subject to the instruction given by the State Property Tax Board referred to in section 197-A, by resolution determine that the tax on lands and buildings specified in item (a) of clause (i) of sub-section (1) of section 197 shall be levied.]

(2) When the Corporation shall have determined to levy any tax for the first time or at a new rate, the Commissioner shall publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which, and the period of levy, if any, for which, such tax shall be levied:

Provided that if the Corporation is indebted to the Government, the rates of the taxes already levied shall not be reduced without the sanction of the Government.

Property Taxes of what to consist and at what rate leviable. limitations

199. (1) The following taxes shall subject to exceptions, and conditions herein provided be levied on buildings and lands in the City and shall hereinafter be referred to as property taxes, namely:—

(a) a general tax;

(b) a water tax;

(c) a drainage tax;

(d) a lighting tax;

254. Added by Act No.6 of 2012.



(e) a conservancy tax.

(2) Save as otherwise provided in this Act these taxes shall be levied at such percentages of their rateable value as may be fixed by the Corporation:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15 per cent or greater than 30 per cent.

255[(3) The Corporation shall in the case of lands which are not used exclusively for agricultural purposes and are not occupied by or adjacent and appurtenant to, building, levy the taxes specified in sub-section (1), at half percent (0.50 percent) of the estimated capital value of the lands, which shall be determined in such manner as may be prescribed.]

Water tax on what premises levied.

200. Subject to the provisions of section 227 the water tax shall be levied only in respect of premises,-

(a) to which private water supply is furnished from, or which are connected by means of communication pipes with, any 256[Board Water Works]; or

(b) which are situated in a portion of the city in which the Commissioner has given public notice that sufficient water is available from 256[Board Water Works] for furnishing a reasonable supply to all premises in the said portion.

Conservancy tax on what premises to be levied.

201. (1) The conservancy tax shall be levied only in respect of premises —

(a) situated in any portion of the city in which public notice has been given by the Commissioner that the

255. Added by Act No.15 of 2013.

256. Substituted by Act No.6 of 1982.



collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools will be undertaken by municipal agency; or

(b) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a 257[Board Sewer]:

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to

be liable to the levy of conservancy tax, if, but for such direction, the tax would be leviable in respect thereof.

202. (1) The general tax shall be levied in respect of all buildings and lands in the city except – General tax on what premises to be levied.

(a) buildings and lands solely used for purposes connected with the disposal of the dead;

(b) buildings and lands or portions thereof solely occupied and used for public worship or for a charitable [258][XXX] purpose;

[259][(bb) educational institutions upto 10th class, the buildings of which are donated by charitable institutions or Philanthropists, or which are depending on the grant-in-aid by the Government for the maintenance and such other

257. Substituted by Act No.6 of 1982.
258. Omitted by Act No.20 of 1989.
259. Inserted by Act No.20 of 1989.



educational institutions which are not running purely on commercial lines, but serving the cause of primary education which the Government may consider from time to time;]

(c) buildings and lands vesting in the [260][Central Government or the] Corporation;

(d) buildings and lands vesting in the [261][XXX] State Government used solely for public purposes and not used or intended to be used for purposes of profit in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the [261][XXX] State Government as the case may be.

[260][(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for the public worship or for a charitable or educational purposes within the meaning of clause (b) of sub-section (1), namely:-

(a) buildings or lands or portions thereof in which any trade or business is carried on; and

(b) buildings or lands or portions thereof in respect of which rent is derived, whether such rent is or is not applied solely to religious or charitable or educational purposes.]

[262][(3)] Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a charitable or

260. Inserted by Act No.XLIII of 1956.
261. The words “Central Government or” were omitted by Act No.XLIII of 1956.
262. Sub-section (2) renumbered as sub-section (3) by Act No.XLIII of 1956.



educational purpose, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

[263][202-A. [264][(1) The Government may exempt any building occupied by the owner from the property tax where the annual rental value does not exceed Rs.4,100/- (i.e. Rs.1,200/- Property tax per annum) subject to condition that the beneficiaries of exemption shall pay a nominal amount of Rs.101/- per annum towards property tax.] Exemption of residential property Tax.

(2) In respect of every house constructed for the urban poor, the Corporation shall collect an amount of rupees two for every half year towards property tax.]

Payments to be made to Corporation in lieu of general tax by the Government or manner State Government, as the case may be.

203. (1) The [265][XXX] State Government, as the case may be, shall pay to the Corporation annually in lieu of the general tax from which buildings and lands vesting in the said Governments respectively are exempted by clause (d) Central of sub-section (1) of section 202, a sum ascertained in the provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in the city vesting in the [266][XXX] State Government in respect of which, but for the said exemption, general tax would be leviable from the [266][XXX] State Government as the case may be, shall be fixed by a person, from time to time appointed in this behalf by the State Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules made

263. Section 202-A inserted by Act No.20 of 1989.

264. Sub-section (1) substituted by Act No.5 of 2016.

265. The words "Central Government or the" were omitted by Act No.XLIII of 1956.

266. The words "Central Government or" were omitted by Act No.XLIII of 1956.



thereunder concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the [267][XXX] State Government in the city materially increases or decreases.

(3) The sum to be paid annually to the Corporation by the [267][XXX] the State Government, as the case may be, shall be the amount which would be payable by an ordinary owner of buildings or lands in the city on account of the general tax, on a rateable value of same amount as that fixed under sub-section (2).

[268][(4) The Government may impose a suitable cut in the amounts of grants or as the case may be the compensation to be released in respect of Corporation whose tax collection is less than eighty-five percent of the demand of each year.]

Liability of Property Taxes.

Primary responsibility for property taxes on whom to rest.

204. (1) Property taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed if such occupier holds the said premises immediately from the Government or the Corporation.

(2) Otherwise the said taxes shall be primarily leviable as follows, namely:—

(a) if the premises are let, from the lessor;

267. The words "Central Government or" were omitted by Act No.XLIII of 1956.

268. Added by Act No.20 of 1989.

(b) if the premises are sublet, from the superior lessor; and

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of sub-tenant.

Apportionment of property tax when the premises are let or sublet.

205. (1) If any premises assessed to any property tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his responsibility for tenant the difference between the amount of the property tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sublet and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said 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 which tenant or sub-tenant and the amount of property tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives, 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.

Person primarily liable for Property tax entitled to credit, if he is a rent payer.

206. If any person who is primarily liable for the payment of any property tax himself pays rent to another person other than the Government or the Corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, etc., of premises assessable to Property Tax.

Mutation through online mode in Dharani Portal.

269[207. (1) Sub-Registrar who is effecting the transfer by way of sale, gift, mortgage, partition or exchange or succession under a registered document shall do the Mutation through online mode in Dharani Portal.

Explanation: For the purposes of this section “Dharani” means the digital platform created and maintained for the purposes of Record of Rights.

(2) Sub-Registrar shall be authorized to allot Property Tax Identification Number (PTIN) whenever un-assessed property is transferred and transfer of PTIN whenever assessed property is transacted.

(3) Sub-Registrar shall be authorized to allot Vacant Land Tax Number (VLTN) whenever transfer of un-assessed Vacant Lands happen and transfer of VLTN whenever assessed Vacant Lands happen.

269. Section 207 substituted with marginal heading by Act No.8 of 2020 w.e.f.29.10.2020.



(4) Sub-Registrar shall effect Mutation duly collecting Mutation fee as prescribed.]

Bar on transfer of title.

270[208. No transfer of title through Registration/Succession shall happen unless the seller produces no due certificate or upto date payment receipts of Property Tax, Water Charges and Electricity dues.]

Liability for payment of property taxes to continue in the absence of any notice of transfer.

209. (1) Every person primarily liable for the payment of a property tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's book.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 238, for the recovery of the property taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building, etc.

210. (1) When any building is newly erected or re-erected, or when any building which has been vacant is re-occupied, the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or re-erected and in the case of a building which has been vacant, from the date of the re-occupation thereof.

270. Section 208 substituted with marginal heading by Act No.8 of 2020 w.e.f.29.10.2020.



Notice to be given to the Commissioner of demolition or removal of a building.

211. (1) When any building or any portion of a building, which is liable to the payment of a property tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(2) Until such notice is given the person aforesaid shall continue to be liable to pay every such property tax as he would have been liable to pay in respect of such building if the same or any portion thereof, had not been demolished or removed:

Provided that nothing in this section shall apply to a building or any portion thereof which has fallen down or been burnt down.

Valuation of Property assessable to Property Taxes.

Rateable value how to be determined.

212. [271][(1) (a) [272][Notwithstanding anything contained in the [273]Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960 the annual rental value of the lands and buildings] shall be demmed to be the gross annual rent at which they may reasonably be expected to be let from month to month or from year to year with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed;

(b) the annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year, less a deduction at the rate of 10% for buildings aged upto 25 years; and 20% for the buildings

271. Sub-section (1) substituted by Act No.20 of 1989.

272. Substituted by Act No.15 of 2013.

273. Adapted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.



aged above 25 years; of that portion of such gross annual rent which is attributable to the buildings, apart from their sites and adjacent lands occupied as an appurtenance thereto and the said deduction shall be in lieu of all allowances for repairs or on any other account whatsoever:

Provided that a rebate of 40 percent of the annual rental value shall be allowed in respect of the residential buildings occupied by the owner inclusive of the deduction permissible elsewhere.]

[274][(1A) The annual rental value of lands and buildings arrived at under sub-section (1) shall be subject to the guidelines given by the State Property Tax Board referred to in section 197-A from time to time.]

[275][(2) Any vacant land not exceeding three times the plinth area of the building including its site or a vacant land to the extent of one thousand square metres, whichever is less shall be deemed to be adjacent premises occupied as an appurtenant to the building, and assessed to tax in accordance with the provisions of this section and the area, if any, in excess of the said limit shall be deemed to be land not occupied by or adjacent and appurtenant to such building [276][and the tax shall be levied thereon at 0.50 percent of the estimated capital value of the land]:]

[277][Provided that in the case of above vacant lands where garbage is being dumped and unhygienic conditions are prevailing a penalty of 0.25% of the capital value shall be levied till the garbage is lifted and unhygienic conditions ceases.]

274. Inserted by Act No.6 of 2012.

275. Sub-section (2) substituted by Act No.20 of 1989. 276. Substituted by Act No.24 of 2002.

277. Added by Act No.24 of 2002.



(3) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-section (1).

(4) A statement setting out clearly the class of plant and machinery specified under sub-section (3) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the direction of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the Chief Office of the Municipal Corporation.

(5) Printed copies of the statement prepared under sub-section (3) shall be kept at the Chief Office of the Municipal Corporation for sale at such price as the Commissioner may fix.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

213. (1) To enable the determination of the rateable value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner specifies in this behalf, with information or with a written return signed by such owner or occupier —

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

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

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(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 return to the best of his knowledge or belief.

(3) The Commissioner may also for the purpose aforesaid make an inspection of any such building or land.

Assessment Book.

Assessment book what to contain.

214. The Commissioner shall keep a book, to be called 'the assessment book', in which shall be entered every financial year-

(a) a list of all buildings and lands in the City distinguishing each either by name or number, as he shall think fit;

(b) the rateable value of each such building and land, determined in accordance with the foregoing provisions of this Act;

(c) the name if ascertained of the person primarily liable for the payment of the property taxes, in respect of each such building or land;

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(e) when the rates of the property taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment book, has expired and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the

amount at which each building or land entered in such portion of the assessment book is assessed to each of the property taxes, if any, leviable thereon;

(f) if, under section 227 or 228, a charge is made for water supplied to any building or land by measurement of the water tax or water charge, for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in parts, if necessary.

215. (1) Each of the wards into which the City is for the time being divided by the Corporation for efficient administration of Municipal Government, shall have a separate assessment book called 'Ward Assessment Book,' and each ward assessment book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(2) The Ward Assessment Books and their respective parts, if any, shall collectively constitute the assessment book.

Treatment of property which is let to two or more persons in separate occupancies.

216. (1) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(2) When the Commissioner has determined to treat all the several holdings comprised within any one building or



land under this section as one property, he may subject to any general conditions which may, from time to time, be specified by the Standing Committee in this behalf, at any time not later than seven days before the first day on any half-year or quarter-year, as the case may be, for which an instalment of general tax shall be leviable in respect of the said property, sanction a draw-back of one-fifth part of the general tax so leviable.

(3) Every person who applies for a draw back under sub-section (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and in such particulars as may be required by the Commissioner in accordance with general conditions specified in this behalf by the Standing Committee.

Person primarily liable for property taxes how to be designated, if his name cannot be

217. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment book and in any notice which it may be necessary to

serve upon the said person under this Act, 'the holder' of such premises, without further description. ascertained.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining the person primarily liable as aforesaid, the person in occupation shall himself be liable, until such information is obtained for all property taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

218. (1) When the entries required by clauses (a), (b), (c) and (d) of section 214 have been completed, as far as practicable, in a ward assessment book, the Commissioner shall give public notice thereof and of the place where the ward assessment book or a copy of it, may be inspected.



(2) Such public notice shall be published in the *Telangana Gazette and in the local daily newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment book to be open to inspection.

219. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-section (1) to inspect and take extracts from any portion of the assessment book free of charge shall be permitted to do so on payment of such fee as shall from time to time be determined in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for filing complaints against valuations to be publicly announced.

220. (1) The Commissioner shall, at the time and in the manner provided in section 218, give public notice of a day, not being less than twenty-one days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment book will be received in his office.

(2) In every case in which any premises have for the first time been entered in the assessment book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.



278[(3) [XXX]]

279[220-A. (1) Notwithstanding anything contained in this Act and the rules made thereunder, where a building is constructed, or reconstructed, or some structures are raised unauthorisedly, it shall be competent to the assessing authority to levy property tax on such building or structure with a penalty as specified hereunder till such unauthorized construction is demolished or regularized without prejudice to

Levy of Penalty on unauthorized constructions.

any proceedings which may be instituted in respect of such unauthorized construction. A separate receipt for the penalty levied and collected shall be issued.

| | |
|---|---|
| (a) Up to ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan. | Twenty five percent of property tax as penalty. |
| (b) More than ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan. | Fifty percent of property tax as penalty. |
| (c) Unauthorized floors over the permitted floors in a sanctioned plan. | Hundred percent of property tax as penalty. |
| (d) Total unauthorised construction. | Hundred percent of property tax as penalty. |

Provided that such levy and collection of penalty shall not be construed as regularization of such unauthorized construction or reconstruction.

278. Omitted by Act No.15 of 2013.

279. Section 220-A inserted by Act No.15 of 2013.



(2) Penalty leviable under sub-section (1) shall be determined and collected by such authority and in such manner as may be prescribed. The penalty so payable shall be deemed to be the property tax due.

(3) A person primarily liable for payment of property tax in respect of a building, or structure shall be liable for payment of penalty levied under sub-section (1).]

Time and manner of filing complaints against valuation.

221. (1) Every complaint against the amount of any rateable value entered in the assessment book shall be made by written application to the Commissioner, which shall be left at his office on or before the day fixed in this behalf in the public or special notice aforesaid:

280[Provided that the Commissioner may waive any delay in making the complaint under sections 220 or 221 in case such complaint is made in the same financial year explaining the delay to the satisfaction of the Commissioner.]

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of their complaints.

222. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and where at his complaint shall be investigated.

Hearing of complaint.

223. (1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and if not, in his absence.

280. Added by Act No.3 of 1994.



(2) For reasonable cause to be recorded, the Commissioner may, from time to time, adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 222 and necessary amendments, if any shall be made in accordance with such result, in the assessment book.

Authentication of ward assessment books when all complaints have been disposed of.

224. (1) When the complaints, if any, have been disposed of and the entries required by clause (e) of section 214 have been completed in the ward assessment book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, 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 values entered in the said book.

(2) Thereupon the said ward assessment book subject to such alterations as may thereafter be made therein under the provisions of the next following section shall be accepted as conclusive evidence of the amount of each property tax leviable on each building and land, in the ward, in the financial year to which the book relates.

Assessment book may be amended by the Commissioner during the financial year.

225. (1) Subject to the provisions of sub-section (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the financial year to which the assessment book relates amend the same –

(a) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;



(b) by striking out the name of any person not liable to the property tax;

(c) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(d) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(e) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or re-constructed in whole or in part after the preparation of the assessment book;

(f) by making or cancelling any entry exempting with the approval of the Standing Committee any premises from liability to any property tax.

(2) Where any amendment is made under sub-section (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value of any premises as stated in the assessment book, a special written notice as provided in sub-section (2) of section 220 shall be given by the Commissioner, and as far as may be the procedure laid down in sections 221, 222 and 223 shall be followed.

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current financial year when the circumstances justifying the amendment existed.



281[(4) (i) If at any time it appears to the Commissioner that any person or property has been inadvertently omitted from the assessment records or inadequately or improperly assessed relating to any tax, or a clerical or arithmetical error is committed in the records maintained in relation to such assessment, he may assess or reassess or correct such errors, as the case may be:

Provided that no such action shall be taken where it involves an increase in the assessment, unless the person affected is afforded an opportunity to show cause against the proposed action.

(ii) Such assessment or reassessment or correction of records shall not relate, to a period earlier than the five half years immediately preceding the current half year.]

New assessment book need not be prepared every financial year.

226. (1) It shall not be necessary to prepare a new assessment book every financial year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new financial year.

(2) Public notice shall however be given, in accordance with sections 218 and 220 every year and the provisions of the said sections and of sections 221 to 225 both inclusive, shall be applicable each year.

282[(3) [XXX]

(4) [XXX]]

281. Added by Act No.15 of 2013.

282. Sub-sections (3) & (4) with proviso omitted by Act No.15 of 2013.



Preparation of a new assessment book.

283[226-A. (1) A new Assessment Book shall be prepared at least once in every five years.

(2) Whenever preparation of new assessment book has been completed, the Commissioner shall give a public notice stating the places where the new assessment books may be inspected and that complaint petitions, if any, will be considered if they reach Municipal Corporation Office within fifteen days form the date of publication of such notice. Such public notice shall be published in the concerned District Gazette and in the local daily newspaper

and also by posting play cards in conspicuous places throughout the Corporation. In every case where there is increase in property tax of any premises, the Commissioner shall arrange for service of special notice to the owner or occupier of the said premises informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of special notice.

(3) The New Assessment Book shall be deemed to have taken effect on the first day of the half year following that in which the public notice is published or in case where a special notice is to be served on the owner of the property on the first day of the half-year following that in which such special notice is served on the owner of the property.]

Special provisions concerning the Water and Conservancy Taxes.

284[227. [XXX]

228. [XXX]]

283. Inserted by Act No.15 of 2013.

284. Sections 227 & 228 omitted by Act No.6 of 1982.



285[229. No tax or charge of any kind shall be levied or for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, standpipe or other work used for the gratuitous supply of water to the inhabitants of the city and vesting in the Board:

Supply of water at public drinking fountain, etc, not to be demanded taxed.

Provided that the water taken by any of the inhabitants from any such work shall be used only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Water Supply Engineer, be carried in any vehicle.]

230. (1) The Commissioner may fix the conservancy tax to be paid in respect of any hotel, club, stable or other large premises at such special rates as shall be generally approved by the Standing Committee in this behalf, whether the service in respect of which such tax is leviable be performed by human labour or by substituted means or appliances.

Conservancy tax may be fixed at special rates in certain cases.

(2) In the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax is payable by the Government, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the conservancy tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal of excrementitious and polluted matter from the premises by the agency of the municipal conservancy staff.

285. Substituted by Act No.6 of 1982.



Water tax or conservancy tax paid by any person may be

231. (1) Any person who has paid to the Commissioner any water tax or conservancy tax in respect of any premises shall, if he was not himself in occupation of the said

recovered by him from the occupier of the premises for which it is paid.

premises, during the period for which he has made such payment and subject to any agreement or contract to the contrary, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

Refund of Property Taxes for Vacancies.

Refund of Property Taxes.

232. When any building or land or any portion of any premises which the Commissioner has treated under section 216 as a separate property has been vacant for not less than ninety days the Commissioner shall, subject to the provisions hereinafter contained, refund the property taxes, if any, to a maximum of one half of the amount paid in respect of such taxes for the number of days that such vacancy lasted.

Vacancies for the purposes of section 232.

233. For the purpose of section 232:-

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;



(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(e) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Refund not claimable unless notice of vacancy is given to the Commissioner.

234. (1) No refund of any property tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from one half year or quarter-year, as the case may be in respect of which property taxes are, under section 264 recoverable, into the next following half year or quarter-year as the case may be, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the

commencement of the said next following half year or quarter-year, as the case may be.



Refund of water-tax inadmissible for stopping water supply has been made.

235. No refund of water tax shall be claimable except from such time as a written application shall have been made to the 286[Water Supply Engineer] to stop the water supply to the vacant premises.

Refund of general tax inadmissible when drawback has been sanctioned.

236. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (2) of section 216.

Applications for refund and how to be made.

237. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property tax unless application therefor is made to him in writing within thirty days after the expiry of the half-year or quarter-year, as the case may be, to which the claim relates accompanied by the bill presented to the applicant under section 266 for the amount of the tax from which the refund is claimed.

Property tax, a first charge on property and movables.

238. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or land and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax:

287[Provided that all the taxes and dues to the Corporation including the property tax payable to the Corporation 288[shall be liable to be recovered by way of attachment and sale of immovable property in such manner as may be prescribed.]]

286. Substituted by Act No.6 of 1982.
287. Added by Act No.3 of 1994.
288. Substituted by Act No.15 of 2013.



## Tax on Vehicles and Animals.

Tax on vehicles, boats and animals.

239. (1) Except as hereinafter provided, a tax at rates the maxima and minima whereof are specified in Schedule G shall be levied on vehicles, boats and animals which are kept for use in the City for the conveyance of passengers or goods in the case of vehicles and boats, and for riding, racing, draught or burden in the case of animals.

Explanation:- A vehicle, boat 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.

(2) The Corporation shall from year to year, in accordance with section 186 determine the rates at which such tax shall be levied.

Exemption from the tax.

240. (1) The tax leviable under section 239 shall not be levied in respect of:-

(a) vehicles, boats and animals belonging to the Corporation;

(b) vehicles, boats and animals vesting in the State to be used or intended to be used solely for public purposes and not used or intended to be used for purposes of profit;

(c) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead;

(d) children's perambulators and tricycles.

(2) If any question arises under clause (b) of sub-section (1) whether any vehicle, boat or animal vesting in the State is or is not used or intended to be used for purposes of profit, such question shall be determined by the Government, whose decision shall be final.



Livery, stable-keepers and others may be compounded with.

241. The Commissioner may, with the approval of the Standing Committee, compound with any livery stable-keeper or other person keeping vehicles or horses or bullocks for hire or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lumpsum for any period not exceeding one year at a time in lieu of the taxes leviable under section 239 which such livery stable-keeper or other person or dealer would otherwise be liable to pay.

Vehicle and animal tax book to be kept.

242. (1) The Commissioner shall keep a book, in which shall be entered from time to time —

(a) a list of the persons liable to pay any tax under section 239;

(b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(c) the amount of tax payable by each such person and the period for which it is payable;

(d) the particulars of every composition made under section 241.

(2) Any person whose name is entered in the said book or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from the said book in respect of such person.

(3) Any person not entitled under sub-section (2) to inspect and take extracts from the said book free of charge, shall be permitted to do so on payment of such fee as may from time to time be specified in this behalf by the Commissioner, with the approval of the Standing Committee.



Returns may be called for from owners of premises and persons supposed to be liable to the tax.

243. (1) In order that the said list may be prepared the Commissioner may require –

(a) the owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in the possession or under the control of such person as the Commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner specifies in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

244. (1) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(2) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to



the Commissioner of the fact that he has ceased to own or have possession or control of such vehicles or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice:

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof.

Power to inspect stable, garage, etc., and summon persons liable to tax.

245. (1) The Commissioner may make an inspection of any stable, garage, stable, garage or coach-house or any place wherein he may have reason to believe that a vehicle, boat or animal liable to a tax under this Act is kept.

(2) The Commissioner may if he has reasons to believe that any person has in his possession or under his control a vehicle, boat or animal liable to tax under this Act, by written summons require the attendance before him of such person or any servant of any such person and may examine such person or servant as to the number and description of vehicles, boats and animals owned by or in the possession or under the control of such person and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief as to the said matters.

Refund of tax on vehicles and animals when and to what extent obtainable.

246. If the tax leviable on any vehicle or animal in respect of any quarter has been paid and if during such quarter such vehicle or animal ceases to be kept within the city, or is destroyed or is otherwise rendered unfit for use or if such vehicle has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused



animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provision hereinafter contained, and on the Commissioner or any officer authorised by him, being satisfied in this behalf, be entitled to receive back from the Commissioner, if the period in such quarter for which such vehicle or animal has not been kept in the city or has not been used, on account of such vehicle or animal being destroyed, or rendered unfit for use or on account of such vehicle being under repairs or such animals being kept in any institution for the reception of infirm or disused animals or such animals having been certified by a Veterinary Surgeon to have become unfit for use, is -

(a) not less than eighty days, the full amount of the tax paid,

(b) not less than sixty days, two thirds of the tax paid,

(c) not less than thirty days, one-third of the tax paid:

Provided that no refund of the tax shall be granted if such period is less than thirty days.

Refund not claimable unless notice is given to the Commissioner.

247. (1) No refund of the tax shall be claimable from the Commissioner under section 246 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of eighty, sixty and thirty days,



referred to in section 246 for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the quarter to which the claim relates and is accompanied by the bill presented to the applicant under section 266 for the amount of the tax from which the refund is claimed.

Dogs.

Tax on dogs.

248. (1) A tax not exceeding [289][rupees ten per annum] shall be levied on every dog kept within the City and not under the age of six months.

(2) Every person who owns or is in charge of any dog on which a tax is leviable under sub-section (1) shall be liable for such tax.

(3) (a) Every person who owns or is in charge of any dog shall, before the first day of May in each financial year, forward to the Commissioner a return signed by him containing his name and address and the age of such dog;

(b) every person who after the first day of May in any financial year becomes the owner or takes charge of any dog shall, within one week from the date on which he becomes the owner or takes charge of the dog, forward to the Commissioner a like return, signed by him.

(4) The tax shall be payable for every financial year in advance on the first day of May:

289. Substituted by Act No.3 of 1994.



Provided that—

(i) in respect of a dog which attains the age of six months after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which the dog attains such age, and

(ii) in cases in which a person becomes the owner or takes charge of any dog, not under the age of six months, after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which he becomes the owner or takes charge of such dog:

Provided further that the tax shall not be payable more than once for the financial year in respect of any dog.

(5) The Commissioner shall maintain a register showing the persons liable to pay the tax under this section.

Licence and number ticket for and disposal of dogs.

249. (1) When the owner or person in charge of any dog has paid the tax leviable on and the price fixed for the number tickets for such dog, the Commissioner shall —

(a) grant him a licence for the keeping by him of such dog during the financial year for which he had paid the tax, and

(b) provide him with a number ticket, the number of which shall be specified in such licence.

(2) The owner or person in charge of any dog so licensed shall at all times cause the said number ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.



(3) Any dog which has no number ticket so attached or suspended —

(i) shall be presumed to be a dog in respect of which no licence has been granted, and

(ii) may be seized by the police or by any officer duly authorised by the Commissioner in this behalf, and detained until the tax due, if any, has been paid.

(4) If any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax, if any, due and the costs incurred by the Commissioner by reason of its detention.

(5) If, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog the Commissioner may cause the dog either —

(a) to be destroyed, or

(b) to be sold and the proceeds of the sale, after deducting therefrom the said tax and costs (together with the costs of sale) to be paid to any person who within six months from the date of such sale, establishes to the satisfaction of the Commissioner, his claim to such proceeds.

Protection of persons acting in good faith.

250. No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in the pursuance of the provisions of sub-sections (3), (4) and (5) of section 249.



Certain sections not to apply.

251. Nothing contained in sections 239 to 244, 246, 247, 265, and the second sentence of sub-section (2) of section 266 shall apply in respect of the tax leviable under section 248.

## Octroi.

Octroi at what rates and on what articles leviable.

252. Except hereinafter provided, octroi, at rates not exceeding those respectively specified in Schedule shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the Corporation shall from year to year, in accordance with section 186, determine when the said articles are imported from any place into the city.

Table of rates of octroi to be affixed on certain places.

253. The Commissioner shall cause tables of octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable to be printed in the *Telangana Gazette and local daily newspapers and to be affixed in a conspicuous position at every place at which the same octroi is levied.

Exemption of articles belonging to Government from octroi and refund of octroi on articles becoming property of Government.

254. (1) No octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government in this behalf to be the property of the State, to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is payable is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Government the amount if any of the octroi paid thereon shall be refunded in full on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government in this behalf



stating that the article so imported has become the property of the State, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Exemption of articles imported for immediate

255. Any article imported into the city for the purpose of immediate exportation may at the option of the importer be

exportations. exempted from the levy of octroi if such article is conveyed direct from the place of import, to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the Standing Committee.

Refund of octroi on export. 256. (1) When any article upon which octroi has been paid shall be exported from the city, the full amount of the octroi so paid shall, subject to the provisions hereinafter contained, be refunded.

(2) Such refunds shall be paid under such bye-laws as shall from time to time be framed in this behalf.

290[257. [XXX]]

Entertainment tax. 258. The entertainment tax shall be levied on all payments for admission to a theatre, cinema, carnival or to any other place of entertainment, at rates the maxima and minima whereof are specified in Schedule J.

Exemption from entertainment tax. 259. The entertainment tax shall not be leviable in respect of any entertainment, performance or show-

(a) for admission to which no charge or only a nominal charge, as may be prescribed, is made;

(b) which is not open to the general public on payment;

290. Omitted by Act No.22 of 1987.



(c) the proceeds of which are intended to be utilised for a public, educational, cultural or charitable purpose.

Returns by persons in charge of entertainment. 260. It shall be the duty of every proprietor, manager or person in charge of any entertainment to submit to the Commissioner such returns duly signed at such intervals, in such form and containing such information for the purpose of levy of the entertainment tax, as may be prescribed.

Tax on transfer of property. 261. (1) The tax on transfer of property (hereinafter referred as transfer tax) shall be levied-

(a) in the form of a surcharge on the duty imposed by 291[the Indian Stamp Act, 1899] on every instrument of the description specified below which relates to immovable property situate within the City; and

(b) 291[at such rate as may be fixed by the Government, not exceeding five percentum] on the amount specified below against each instrument :-

| Description of instrument. | Taxable Amount. |
|---|---|
| 291[(i) sale of immovable property, | The amount or value of the consideration for the sale, as set-forth in the instrument or the market value of such property, whichever is higher. |
| (ii) Exchange of immovable property | The value of the property of the greater Property. |

value, as set forth in the instrument or the market

291. Substituted by Act No.10 of 1976.



value of such property, whichever is higher.

| | | | |
|---|---|---|---|
| (iii) | Gift of immovable property. | The value of the property as set-forth in the instrument or the market value of such property, whichever is higher.] | |
| (iv) | Mortgage of immovable property. | The amount secured by the mortgage, as setforth in the instrument. | |

(2) All the provisions of 292[the Indian Stamp Act, 1899] and the rules made thereunder shall mutatis mutandis apply to the said tax as they apply in relation to the duty chargeable under that Act.

(3) No registering authority shall accept any instrument for registration unless the amount of transfer tax is paid in cash.

(4) Every registering authority shall maintain an account of the transfer tax paid in respect of each instrument registered by him and a separate account showing the amount of the consideration, 293[the market value of the property], or the amount secured by a mortgage as the case may be.

(5) The transfer tax collected under this Act shall be credited to the Municipal Fund. In the absence of an agreement to the contrary the transfer tax shall be paid by

292. Substituted by Act No.10 of 1976.
293. Inserted by Act No.10 of 1976.



the person who is primarily liable for payment of the stamp duty in respect of the instrument executed.

294[262. [XXX]]

Supplementary Taxation.

Any tax imposable under this Act may be increased by way of supplementary taxation.

263. Whenever the Corporation determine, under section 192, to have recourse to supplementary taxation in any financial year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax leviable under this Act is being levied or by adding to the number of articles on which octroi is being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is leviable.

Collection of Taxes.

Property taxes how payable.

264. (1) Each of the property taxes shall be payable in advance either in half-yearly or quarterly instalments as the Corporation may decide.

(2) In case of -

(a) half-yearly instalments, the taxes shall be payable in advance on each first day of April and October;

(b) quarterly instalments, the taxes shall be payable on each first day of April and July and each first day of October and January.

295[(3) A rebate of five percent of property tax shall be given in respect of assessments where property tax for the entire current financial year is paid before 30th April of the year notwithstanding the service of bill or demand notice.]

294. Omitted by Act No.XXXVIII of 1961.
295. Added by Act No.15 of 2013.



Tax on vehicles, animals and public conveyances payable in advance.

265. (1) Except as is hereinafter otherwise provided the tax on vehicles and animals, shall be paid quarterly in advance, on each first day of April and each first day of July and each first day of October and each first day of January.

(2) If in any quarter a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the quarter on which such vehicle or animal so becomes liable the amount of tax leviable for such quarter shall be, if such earliest day occurs -

(a) in the first month of such quarter, the whole tax for such quarter,

(b) in the second month of such quarter, two-thirds of the tax for such quarter,

(c) in the last month of such quarter, one-third of the tax for such quarter, provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 10 days of such quarter.

Service of bills for animals and certain taxes.

266. (1) When any property tax or tax on vehicles or any instalment of any such tax, shall have become due, the Commissioner shall with the least practicable delay, cause to be served upon the person liable for the payment thereof a bill for the sum due.

(2) Every such bill shall specify the period for which the premises, vehicle or animal in respect of which, the tax is charged, as hereinafter provided, against time within which objections may be raised or on the decision, an appeal may be preferred, as hereinafter provided, against such decision. Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 244 to 247.



When one bill may be served for several claims.

267. (1) All the sums due for each half year or quarter year, as the case may be, for all or any of the property taxes, by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump:

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 225.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to

charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties:

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice:

Provided, however, that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising of more than one separate property under section 216.

296[268. [XXX]]

Distress. 269. (1) If the person liable for the payment of the said tax does not within fifteen days from the service of the 297[bill] pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if

296. Omitted by Act No.15 of 2013.

297. Substituted (for notice of demand) by Act No.15 of 2013.



no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule L, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any premises in respect of which a property tax is due, by distress and sale of any goods and chattels found on the said premises or, if the tax due in respect of any vehicle or animal by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be.

(2) If after the service of the 298[bill] the amount of the said tax is paid but the 298[fee for the bill] is not paid, the sum due on account of the said fee may be levied under a warrant in the form of Schedule L, mutatis mutandis to be issued by the Commissioner in the same manner as if such sum were due on account of the tax:

299[Provided that a simple interest at the rate of two pecent per mensum shall be charged in case of failure to pay property tax 300[by the end of the month of June for the first half year and by the end of December for the second half year]:

Provided further that when payment of property tax is not made within the due date, the Commissioner may, after giving notice to the owner or occupier, disconnect the essential services to the premises.]

301[(3) If, for any reason the distraint or a sufficient distraint of the defaulter's property is impracticable, the

298. Substituted by Act No.15 of 2013.

299. Added by Act No.20 of 1989 and again substituted by Act No.3 of 1994.

300. Substituted by Act No.15 of 2013.

301. Added by Act No.15 of 2013.



Commissioner may prosecute the defaulter before the competent Court of jurisdication.]

Goods of defaulter may be 270. The goods and chattels of any person liable for the payment of any tax, or the vehicle or animals in respect of

which the tax is due for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found. distrained wherever found.

271. The officer charged with the execution of a warrant of distress issued under section 269 shall forthwith make an inventory of the goods and chattels and vehicles or animals which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule M or in a similar form to the person in possession thereof at the time of seizure, that the said goods and chattels and vehicles or animals will be sold as therein mentioned. Inventory and notice of distress and sale.

272. (1) If the warrant is not in the meantime suspended by the Commissioner or discharged, the goods and chattels or vehicles or animals seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the Commissioner, who shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery. Sale.

(2) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the Commtssioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels or vehicles or animals at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.



Fees for distraints. 273. For every distraint made under this Act a fee shall be charged at the rate set forth in Schedule N, and the said fee shall be included in the costs of recovery.

Fees for cost of recovery may be remitted. 274. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeble under the last preceding section or under sub-section (2) of section 268.

Seizure of vehicles and animals if tax on vehicles and animals not paid and number plate not obtained. 275. (1) If the tax on any vehicle or animal governed by the provisions of section 265, is not paid and a number-plate is not obtained and affixed to the vehicle within thirty days from the date on which the tax became due, the Commissioner may at any time thereafter seize and detain the vehicle and the animal, if any, used or employed in drawing the vehicle and, if the owner or other person entitled thereto does not within seven days 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 shall be requisite in discharge of sum due and the charges incurred as aforesaid:

Provided that if any person becomes the owner or obtains possession or control of any vehicle or animal on which the tax is due after the expiry of the said period of thirty days and the tax thereon has remained unpaid, he shall pay the same in the manner prescribed immediately after he becomes the owner or obtains possession or control of such vehicle or animal and on failure to do so the vehicle or animal shall, if it is not already seized and detained be liable to be seized and detained and sold as aforesaid:

Provided further that no vehicle or animal used therefor shall be seized and detained under this section when actually employed in the conveyance of goods.



(2) The surplus, if any, remaining after the application of the proceeds of a sale under sub-section (1) in the manner provided therein shall be disposed of in the manner provided in sub-section (2) of section 272.

When occupiers may be held liable for payment of property tax.

276. (1) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served on the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount on the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

277. (1) If the Commissioner shall at any time have reason to belive that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals,



[302][XXX] is about forthwith to remove from the city, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

(2) If, on service of such bill, the said person does not forthwith pay the sum due by him, the amount shall be leviable by distress and sale in the manner hereinbefore provided, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears if necessary.

278. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of tax on vehicles and animals [303][XXX] may be recovered from him by a suit in any court of competent jurisdiction.

Limitation for recovery of dues.

304[278-A. (1) No distraint shall be made, no prosecution shall be commenced and no suit shall be instituted in respect of any sum due to the Corporation on account of a property tax or tax on vehicles and animals or any other sum due under this Act after the expiration of the period of three years from the date on which distrant might have been made or after the expiration of a period of six years from the date on which prosecution might first have been commenced or after the expiration of nine years from the date on which a suit might have been first instituted, as the case may be, in respect of such sum.

302. Omitted by Act No.22 of 1987.
303. Omitted by Act No.22 of 1987.
304. Inserted by Act No.15 of 2013.



(2) It shall be the duty and responsibility of the Commissioner to place before the Standing Committee, a list of arrears due to the Corporation under this Act which, if no action is taken within the period specified in sub-section (1), are likely to be time-barred, at least one year before the expiry of the said period stating the reasons for the delay in the recovery of such amount and requesting for the instructions or directions of the Standing Committee in regard to the recovery of such arrears:

Provided that the Standing Committee shall not take any action to cause financial loss to the Corporation in this matter.]

Collection of Octroi how to be effected.

279. (1) Octroi -

(a) may be collected under the orders of the Commissioner, by municipal officers and servants appointed in this behalf; or

(b) if the Commissioner thinks fit, may, with the approval of the Standing Committee, be formed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

(2) Octroi shall be collected, and refunds of Octroi shall be made, at such places and be managed and controlled in such manner as the Commissioner with the approval of the Standing Committee shall from time to time direct.

Powers of persons authorised to collect and refund Octroi.

280. Every person authorised under section 279 to collect or to refund Octroi shall have in respect of its collection or refund such powers and privileges and be subject to such liabilities in respect of anything done by him or for the purpose of collecting or refunding Octroi as may from time



to time, be prescribed and in respect of the confiscation of goods in connection therewith such powers as are conferred by the foregoing provisions of this Act in respect of distress of movable property or vehicles, boats and animals.

Writing off of irrecoverable taxes.

281. The Commissioner may, with the approval of the Standing Committee from time to time, write off any sum due on account of any tax or of the costs of recovery of any tax which shall in his opinion be irrecoverable.

Liability for loss, waste, misapplication.

[305][281-A. (1) An officer of the Local Government Service, the bill collector or other employee of the Corporation, entrusted with the collection of sums due to the Corporation under this Act, shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Corporation, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Standing Committee with the previous sanction of the Government or by the Government.

(2) No such suit shall be instituted after three years after the accrual of the cause of action.]

Appeals against Valuations and Taxes.

Appeals when and to whom to lie.

282. (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Judge.

(2) But no such appeal shall be heard by the said Judge, unless -

(a) it is brought within fifteen days after the accrual of the cause of complaint;

305. Inserted by Act No.15 of 2013.



(b) a complaint has previously been made to the Commissioner under section 221 and such complaint has been disposed of;

(c) a complaint has been made, by the person aggrieved within fifteen days after the first received notice of any amendment made in the assessment book under section 225 and his complaint has been disposed of;

(d) in the case of an appeal against a tax, the amount claimed from the appellant has been deposited by him with the Commissioner.

[306][282-A. [XXX]]

Cause of complaint when to be deemed to have secured.

283. For the purposes of the last preceding section, cause of complaint shall be deemed to have occurred as follows, namely:—

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 221 against such value is disposed of;

(b) in the case of an appeal against any amendment made in the assessment book, under section 255 during the financial year on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is served.

Arbitration.

284. Where in any appeal under section 282 the parties agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a

306. Omitted by Act No.15 of 2013.



decision is given in such appeal, apply in writing to the Judge for an order of reference on such matter and on such application being made, the provisions

of the Arbitration Act, 1940 relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the Judge were a Court within the meaning of that Act and the application were an application made in a suit.

Appointment of valuer.

285. (1) If any party to an appeal against a rateable value under section 282 makes an application to the Judge either before the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given:

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Judge unless the applicant gives such security as the Judge thinks proper for the payment of the costs of valuation under this sub-section.

(2) The costs incurred for valuation under sub-section (1) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(3) The Judge may, and on the application of any party to the appeal, shall call as a witness the person appointed under sub-section (1) for making the valuation and, when he is so called, any party to appeal shall be entitled to cross examine him.

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Reference of question to High Court.

286. (1) If, before or on the hearing of an appeal under section 282, any question of law or usage having the force of law, or the construction of a document arises on which the Judge entertains reasonable doubt, the Judge may either of his own motion or on the application of the party to the appeal, draw up a statement of the facts of the case and the point on which doubt is so entertained and refer such statement with his own opinion on the point for the decision of the High Court.

(2) Where a reference is made to the High Court under sub-section (1), the provisions of Rules 2 to 5, both inclusive of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall so far as they can be made applicable, apply. Central Act 5 of 1908.

Appeals.

287. An appeal shall lie to the High Court from any decision of the Judge in an appeal under section 282 -

(a) by which a rateable value in excess of rupees two thousand is fixed, and

(b) upon a question of law or usage having the force of law or the construction of a document.

Costs of proceedings in appeal.

288. The costs of all proceedings in appeal under section 282 before the Judge including those of arbitration under section 284 and of valuation under section 285 shall be payable by such parties in such proportion as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the court.

Unappealed values and taxes which no

289. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is

and decisions on appeal to be final.



made as hereinbefore provided, and the decision of the Judge aforesaid upon any appeal against any such value or tax, if no appeal is made therefrom and the decision of the High Court upon appeal under section 287, shall be final.

(2) Effect shall be given by the Commissioner to every such decision.

## CHAPTER IX.

## DRAINS AND DRAINAGE WORKS.

### Municipal Drains.

Municipal drains to be under the control of Commissioner.

290. All municipal drains shall be under the control of the Commissioner.

Vesting of water-course.

291. Any natural water-course heretofore belonging to Government by which rain water or drainage of any kind is carried, may on application to the Government by the Commissioner with the previous approval of the Standing Committee be vested in the Corporation:

Provided that -

(a) it shall be in the discretion of the Government in each case to determine whether a particular water-course so applied for shall be so vested, and

(b) the Government declaring that a water-course so applied for may be made over to the Corporation shall, from the date thereof to be specified in this behalf operate to vest such water-course in the Corporation.



Drains to be constructed and kept in repair by the Commissioner.

292. (1) The Commissioner shall maintain and keep in repair all municipal drains and, when authorised by the Corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the City.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Powers for making drain through,

293. (1) The Commissioner may carry any municipal drain across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city or, for the purpose of outfall or distribution of sewage, without the city.

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in any land wherein any municipal drain has

been already lawfully constructed or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be, shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.



Alteration and discontinuance of drains.

294. (1) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary.

(2) The discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person and if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain which would be as effectual as the one discontinued, closed up or destroyed.

Cleansing drains.

295. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, with the sanction of the Corporation, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

Drains of public street and drainage of premises.

Powers to connect drains of private streets with municipal drains.

296. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely:-

(a) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on



such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall, without the approval in writing or contrary to the directions of the Commissioner be proceeded with;

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication, in all respects, as the Commissioner with the approval of the Standing Committee, shall direct;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the

Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain municipal drains.

297. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner may impose as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

Connections with municipal drains not to be made except in conformity with section 296 or 297.

298. No person shall, without complying with the provisions of section 296 or 297 as the case may be, make or cause to be made any connection of a drain belonging to himself or some other person with any municipal drain or other place legally set apart for the discharge of drainage, and the Commissioner may, with the approval of the Standing



Committee, close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Buildings etc., not to be erected over any drains without permission.

299. (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected or re-erected and no street or railway shall be constructed over any drain.

(2) If any building, wall or other structure be so erected or re-erected, or any street or railway be so constructed, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the Standing Committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Right of owners and occupiers of premises to carry drains through land belonging to other persons after giving to any objection.

300. (1) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage is, by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, the owner of such land a reasonable opportunity of stating objections, if any, may, with the approval of the Standing Committee, if no objection is raised, or if any which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.



(2) Every such order of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to

enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises or any agent or person employed by him for this purpose, may after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be, shall be done, and the owner or occupier of premises for the benefit of which the work is done shall -

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to the person who sustains damage by the execution of the said work.

(5) If the owner of any land, into, through or under which a drain has been carried under this section whilst



such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the Standing Committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same:

Provided that no such requisition shall be made, unless in the opinion of the Standing Committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

301. Every owner of land shall be bound to allow any person in whose favour an order has been made under section 300, sub-section (1) to carry a drain into, through or under the land of such owner on such terms as may be specified in such order.

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

302. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises-

(a) to make a drain of such material, size and description laid at such level and according to such alignment and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid:

Provided that, where any premises have already been drained in accordance with the bye-laws or have to be so redrained, no such requisition shall be made without the previous sanction of the Standing Committee;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage 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 for intended to be used for drainage, which is injurious to health.

303. (1) Where any premises are, in the opinion of the Commissioner Commissioner, without sufficient means of effectual drainage, and a municipal drain or such place as aforesaid is situated at a distance exceeding one hundred feet from some part of the said premises, the Commissioner, may, by notice, require the owner or occupier of the said

may enforce drainage of undrained premises not situate within a written hundred feet of premises — municipal drain.

(a) to construct a drain up to a point to be specified in such notice, but not distant more than one hundred feet from some part of the said premises, or

307[(b) [XXX]]

(2) Any requisition for the construction of any drain under sub-section (1) may comprise any detail specified in clause (a), (b) or (c) of section 302.

307. Clause (b) omitted by Act No.6 of 1982.



Power of combination.

304. (1) Where the Commissioner is of opinion that any Commissioner to group or block of premises, any part of which is situate drain premises in within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage already existing or about to be constructed, may be drained more effectually or economically in combination than separately, the Commissioner may, with the approval of the Standing Committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained of -

(a) the nature of the intended work,

(b) the estimated expenses thereof, and

(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed or continued, for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition but every such drain shall from time to

time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.

Commissioner may close or limit the use of existing private drains.

305. (1) Where a drain connecting any premises with a municipal drain or other place legally set apart for the discharge of drainage is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city or of that part of the city in which such drain is situated, the Commissioner with the approval of the Standing Committee, may-

subject to the provision of sub-section (2) close, discontinue or distroy the said drain and cause any work necessary for that purpose to be done.

308[(b) [XXX]]

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain or other place as aforesaid which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under the said clause (a) shall be paid by the Commissioner at the charge of the Municipal Fund.

309[(3) [XXX]]

New building not to be erected without drains.

306. (1) It shall not be lawful newly to erect or re-erect any building, or to occupy any building newly erected or re-erected, unless and until —

308. Clause (b) omitted by Act No.6 of 1982.

309. Omitted by Act No.6 of 1982.



(a) a drain be constructed of such size, materials and description, at such level with such fall and out-let as shall appear to the Commissioner to be necessary for the effectual drainage of such building 310[and the drainage betterment charges as fixed by the Commissioner, from time to time, with the sanction of the Corporation have been paid];

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in

which such building is situated; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Provision of troughs and pipes to receive water from roofs of building.

307. The Commissioner may, by notice in writing require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Excrementitious matter not to be passed into cesspool.

308. No person shall, except with the permission of the Commissioner pass or cause or permit to be passed any excrementitious matter into any cesspool made or used

310. Added by Act No.6 of 1984.



under section 303 or section 306 or into any drain communicating with any such cesspool.

Obligations of owners of drains to allow use thereof or joint ownership therein as may be to others.

309. Every owner of a drain connected with a municipal drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be specified by the Commissioner.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

310. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorize receipt of person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

311. (1) Where the Commissioner is of opinion whether on such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto may, with the approval of the Standing Committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorise the said owner or occupier to use the drain or declare him to be joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(2) Every such order of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or persons employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for —

(a) connecting the two drains; or

(b) renewing, repairing or altering the connection; or

(c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 300.

Sewage and rain water drains to be distinct.

312. Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water and unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into



311[Board sewer and Municipal drain respectively] or other places legally set apart for the discharge of drainage.

Drain not to pass beneath buildings.

313. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be specified by the Standing Committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

312[314. [XXX]]

Right of Corporation to drains, etc., at charge of municipal fund on premises not belonging to the Corporation.

315. All drains, ventilation-shafts and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon a premises not belonging to the Corporation, whether before or after the passing of this Act, and otherwise than for the sole use and benefit of the said permises, shall, unless the Corporation has otherwise determined or shall at any time determine, vest, and be deemed to have always vested, in the Corporation.

All drains and cesspools to be properly covered and ventilated.

316. (1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

311. Substituted by Act No.6 of 1982.

312. Section 314 omitted by Act No.6 of 1982.



Affixing of pipes for ventilation of drains etc.,

317. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated:

Provided that any shaft or pipe so erected or affixed, shall-

(a) be carried at least fifteen feet higher than any skylight or window situated within a distance of forty feet therefrom;

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(d) be removed by the Commissioner to some other place, if any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.



(2) If the Commissioner declines to remove a shaft or pipe under clause (d), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge and the Judge may, after such enquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

(3) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.

313[318. [XXX]]

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

314[319. The Commissioner may cause any municipal drain to empty into a tank or other place whether within or without the city and in any manner, which he shall deem suitable for such purposes:

Provided that —

(a) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not hereto therefore been emptied, without the sanction of the Corporation;

(b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

313. Section 318 omitted by Act No.6 of 1982.
314. Substituted by Act No.6 of 1982.



(c) no municipal drain shall be made to empty into any place or in any manner which the Government shall think fit to disallow.]

Provision of means for the disposal of sewage.

320. For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorised by the Corporation in this behalf —

(a) construct any work within or without the City,

(b) purchase or take on lease any land, building, engine, material or apparatus either within or without the City;

(c) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage within or without the City:

Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

Construction of water closets and privies.

321. (1) It shall not be lawful to construct a water closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any bye-laws for the time being in force as he may specify.

(2) In specifying any such terms, the Commissioner may determine in each case —

(a) whether the premises shall be served, by the water-closet or by the privy system, or partly by one and partly by the other; and



(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the Standing Committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

Water closets and accommodation in buildings newly erected or re-erected.

322. (1) It shall not be lawful newly to erect or to re-erect any building for other or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissoner may determine.

(2) In determining any such accommodation the Commissioner may specify in each case —

(a) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(b) what shall be the site or position of each water-closet, privy urinal or bathing or washing place, and their number.

Where there is no such accommodation or the accommodation is insufficient or objectionable.

323. (1) Where any premises are without a water-closet, privy, urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, privy, urinal, or bathing or washing place available for the persons occupying or employed in any premises is



insufficient, inefficient or on any sanitary grounds, objectionable, the Commissioner may, with the previous approval of the Standing Committee, by written notice require the owner of such premises —

(a) to provide, such, or such additional water-closet, privy, urinal, or bathing or washing place as he determines;

(b) to make such structural or other alterations in the existing water-closet, privy, urinal or bathing or washing place as he determines; or

(c) to substitute water-closet accommodation for any privy accommodation:

Provided that where the water-closet, privy, urinal or bathing or washing place of any premises—

(a) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(b) is in the opinion of the Commissioner likely to be so used the Commissioner may, if he is of opinion that such accommodation is insufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that a separate water-closet, privy, urinal or bathing or washing place be provided on or for each of such other premises:

Provided further that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that a separate water-closet, privy or urinal need not be provided for such premises.



(2) Any requisition under sub-section (1) may comprise any detail specified in sub-section (2) of section 322.

Power to require premises to be provided for factories, etc.

324. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, or other place of public resort or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as

325. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from

any building to cause injury to the health of any person occupying such building with the previous approval of the Standing Committee he may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either — to unhealthy privies.

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy or such urinal as the Commissioner may determine; or

(b) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within such limits of the said premises as the Commissioner may determine.

326. The owner or occupier of any premises on which there is a privy shall — Provisions as to privies.

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be



employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(b) have such privy shut off a sufficient roof and wall or fence from the view of persons dwelling in the neighbourhood or passing by;

(c) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door close up and not keep any door or trap-door in such privy opening on to a street:

Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created:

Provided further that clause (a) shall not be deemed to apply to privy in existence when this Act comes into force, unless —

(i) there is space available on the premises for the erection of a new privy conformably to the said clause; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions as to water-closets.

327. The owner or occupier of any premises on which there is a water-closet shall —

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation or in which any person may be or may be intended to be employed in any manufacture, trade or



business, by such means as the Commissioner shall deem sufficient;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(c) have the seat of such water-closet placed against an external wall;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet, or by an opening directly into the external air, or by an airshaft or by some other suitable method or appliance;

(e) have such water-closet supplied by a supply cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of privies and water-closets.

328. No person shall build a privy or water-closet in such a position or manner as—

(a) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath room or terrace;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be used whether in natural or manufactured state for human consumption, domestic purposes, or otherwise



render the water of any well, spring, tank or stream liable to pollution.

Use of places for bathing or washing clothes or domestic utensils.

329. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Public necessaries.

330. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the Corporation, water-closets, latrines, privies and urinals and other similar conveniences for the public.

Water-closets, etc., not to be injured or improperly fouled.

331. (1) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(3) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Inspection.

Drains, etc., not belonging to the Corporation to be subject to inspection and examination.

332. All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected, or set up at the charge of the municipal fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open the ground, etc., for purpose of such inspections and examinations.

333. For the purpose of such inspections and examinations, Commissioner may cause the ground or any portion of any drain or other work exterior to a building or with the approval of the Standing Committee, any portion of building which he shall think fit, to be opened, broken up or removed:

Provided that in the prosecution of any such inspection and examination as little damage as can be, shall be done.

When the expenses of inspection are to be paid by the Commissioner.

334. (1) If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

(2) If it shall however be found that any drain, ventilation-shaft, or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place inspected and examined is not in good order or condition,



or has been repaired, changed, altered or encroached upon, or except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force, the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination at his own cost.

Commissioner may require repairs, etc., to be made.

335. (1) When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 334, the Commissioner may —

(a) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cesspool,house-gully, water-closet, privy, latrine, urinal or bathing or

washing place is situated or for the benefit of which the same has been constructed, erected, or set up —

(i) to close or remove the same or any encroachment thereupon or subject to the proviso to clause (c) of section 337 to remove any projection over the same, or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other step with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(b) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions



of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Cost of inspection and execution of works in certain cases.

336. In the case of any drain which has been constructed, erected or set up, or which is continued, for the exclusive use and benefit of two or more premises and which is not —

(a) a drain constructed under section 304 sub-section (1), or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 311 sub-section (1); the expenses of any inspection and examination made by the Commissioner under section 332 and of the execution of any work required under section 335, whether executed under section 340 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined —

(i) by the Standing Committee if the aggregate amount of such expenses exceeds rupees one hundred, or

(ii) by the Commissioner if the aggregate amount of such expenses does not exceed rupees one hundred.



General Provisions.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

337. No person shall-

(a) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine, urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith;

(b) without the written permission of the Commissioner, renew, re-build, or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be discontinued, demolished or stopped up under any of the provisions of this Chapter;

(c) without the written permission of the Commissioner, make any projection over or encroachment upon or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place:

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or



by reason of the amount of which such drain is likely to be obstructed;

(e) pass, or cause or permit to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

315(f) cause or suffer to be discharged into any drain from any factory, bake house, distillery, workshop or work place or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain or which would from its temperature or otherwise be likely to create a nuisance.

When materials and works may be supplied and done under this Chapter for any person by the Commissioner.

338. On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of sub-section (3) of section 641 or section 643 will not apply unless a deposit is first of all made by the said person of a sum which will in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

Work to be done by licensed plumber; permission to use drain.

339. (1) No person shall permit any work described in this Chapter to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

315. Omitted by Act No.6 of 1982.



(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works:

Provided that —

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion; and

(b) the Commissioner may within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed —

(i) give permission for the filling in or covering over of such work; or

(ii) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the



Commissioner or contravenes some provisions of this Act or of the bye-laws made thereunder.

(4) No person shall permit any such work to be used as a drain or part of a drain until —

(a) the permission referred to in proviso (b) to sub-section (3) has been received; or

(b) the Commissioner has failed for fourteen days after receipt of the notice of the completion to intimate as aforesaid his refusal of permission for filling in or covering over of such work.

Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.

340. (1) The Commissioner, may, if he thinks fit, cause any work described in this Chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have executed, the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

## CHAPTER X.

316[341-372. [XXX]]

316. Sections 341 to 372 omitted by Act No.6 of 1982.



## CHAPTER XI.

## REGULATION OF STREETS.

### Construction, Maintenance and Improvement of Public Streets.

Vesting of public streets in the Corporation.

373. All streets within the city being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the Corporation and be under the control of the Commissioner.

Powers of Commissioner in respect of public streets.

374. (1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed rupees five thousand or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation:

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal,



if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation.

Government's power to repair the public streets vested in the Municipal Corporation.

317[374-A. (1) Notwithstanding anything contained in this Act, it shall be competent for the Government or any other agency authorised by them in this behalf to exercise the powers of the Corporation and the Commissioner vested in them by or under this Act for the purpose of levelling, metalling, paving, channelling, widening or otherwise to carry out any repair to the public streets vested in the Corporation and also to lay new roads at their own expense in public interest.

(2) For the purpose of enabling the Government or the agency authorised by them to undertake repairs under sub-section (1), the public streets shall vest in the Government temporarily from a date to be notified by them in this behalf and thereupon it shall be competent for the Government to take over possession of the public streets from the said date. The public streets or any new roads laid under sub-section (1) shall continue to vest in the Government until the notification is revoked and thereafter stand transferred to the Corporation.

(3) It shall be the duty of the Corporation and the Commissioner to carry out any directions issued by the Government for the purpose of sub-sections (1) and (2).]

Disposal of land permanently

375. Whenever any public street, or part of a public street is closed under section 374 the site of such

forming site of

street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation. closed street.

376. The Commissioner when authorised by the Corporation in this behalf may at any time — Power to make new public streets.

317. Inserted by Act No.11 of 1991.



(a) lay out and make a new public street;

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation;

(c) declare any street made under any scheme of the City Improvement Board to be a public street.

Minimum width of new public streets.

377. (1) The Corporation shall from time to time specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

(2) The width of a new public street made under section 376 shall not be less than that specified under sub-section (1) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 399 no other projections shall extend on to any such street.

Power to adopt, construct or alter any sub-way, bridge, etc.

378. The Commissioner when authorised by the Corporation in this behalf, may agree with any person,-

(a) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets or as property vesting in the Corporation, or

(b) for the construction or alteration of any such sub-way, bridge, viaduct or arch or for the purchase or



acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

379. (1) It shall be lawful for the Commissioner with the sanction of the Corporation to — Power to prohibit use of public streets for certain kinds of traffic.

(a) prohibit vehicular traffic in any particular public streets, vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street;

(b) prohibit in respect of all public streets, or 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 deemed likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians alone or over such street or streets except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the road-way, number of lights and assistants and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.

(2) Notices of such prohibitions as are imposed under sub-section (1) shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

Power to acquire premises for improvement of public streets.

380. (1) The Commissioner may, subject to the provisions of sections 146, 147 and 148:—



(a) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge, or subway or of making any new public street, bridge or subway, and the buildings, if any, standing upon such land;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon as it shall deem expedient for the Corporation to acquire outside of the regular line or of the intended regular line of such street;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be an acquisition of land for the purpose of providing, extending or improving a public street.

(3) Any conveyance of land or of a building under clause (c) of sub-section (1) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of regular line in Public Street.

Power to determine the regular line of street.

381. (1) The Commissioner may —

(a) determine a line on one or both sides of any public street:

Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the



appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause;

(b) from time to time, but subject, in each case to the previous approval of the Standing Committee determine a fresh line in substitution for any line so determined or for any part thereof:

Provided that such approval shall not be accorded unless, at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be determined and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(2) The line for the time being determined shall be called the 'regular line of the street'.

(3) A register with plans attached shall be kept by the Commissioner showing all public streets in respect of which a regular line of the street has been determined and such register shall contain such particulars as may appear to the Commissioner to be necessary and shall be open to inspection.

(4) (a) Subject to the provisions of sub-section (5) no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the



Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee;

(b) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner:

Provided that if, within sixty days from after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 284 the said person may, subject to any other provisions of this Act or of the bye-laws, made thereunder proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) (a) When the Commissioner grants permission under clause (a) of sub-section (4) for the construction or reconstruction of any building or land within the regular line of the street he may require the owner of the building to execute an agreement binding himself and his successors in title 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 or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(b) The Commissioner may before granting such permission require the owner to deposit in the Chief Municipal Office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transferee of such building.

382. (1) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed — Setting back buildings to the regular line of the street.

(a) to rebuild 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 feet; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which the regular line of the street in any order which he issues concerning the rebuilding, alteration or repair of such buildings, 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 the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

383. (1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 382 do not apply, by written notice — Additional power of Commissioner to order setting back of building or regular line of the street.

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the



Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of the Standing Committee, require the owner by written notice, to pull down the building or the 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 such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line occupied by the said building, and such land shall thenceforward be deemed to be a part of the public street and shall vest as such in the Corporation.

(5) Nothing in this section shall be deemed to apply to buildings vestings in the State.

[Act No. II of 1956] 269

Acquisition of open land or of land occupied by platforms, etc., within regular line of street.

384. If any land not vesting in the Corporation, whether open or closed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the said line of such street, the Commissioner may after giving to the owner of the land or building not less than seven clear days written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and, if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street:

Provided that when the land or building is vested in the State possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the Government.

Acquisition of the remaining part of building and land within a regular line of the street are acquired.

385. (1) If a building or land is partly within the regular line of a public street and if 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 portions land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

270 [Act No. II of 1956]

(2) Such surplus land may thereafter be utilised for the purpose of setting forward of building under section 386.

Setting forward of buildings to rear of the regular line of the street.

386. (1) If any building which abutts on a public street is in regular line of such street, the Commissioner may, whenever it is proposed —

(a) to re-build such building, or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abutts

on the said street to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet; in any order which he issues concerning the re-building, alternation or repair of such building, permit, or with the approval of the Standing Committee, require such building, to be set forward to the regular line of the street.

(2) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

Compensation to be paid and betterment charges to be levied.

387. (1) [318][Compensation in accordance with the provisions of the Land Acquisition Act, 1894 as amended from time to time, shall be paid by the Commissioner] to the owner of any building or land required for a public street under sections 382, 383, 384 or 385 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner:

318. Substituted by Act No.14 of 1989.



Provided that :—

(i) 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 setback to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;

(ii) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess at a betterment charge.

(2) If, in consequence of any order to set forward, a building made by the Commissioner under section 386, 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 set forward.

(3) If the additional land which will be included in the premises of any person required or permitted under section 386, to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land; and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are



communicated to him, refer the case for the determination of the Judge.

Provisions concerning Private Streets.

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

388. Every person who intends —

(a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon,

(b) to divide land (whether unbuilt or partly built) into building plots,

(c) to use any land or a portion thereof or permit the same to be used for building purposes, or

(d) to make or lay out a private street whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner and shall along with such notice [319][furnish a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate, in case the extent of land exceeds the ceiling limit and if it does not exceeds the ceiling limit an affidavit declaring that the total extent of land held by such holder, his or her spouse and unmarried minor children does not exceed the ceiling limit] [320][pay the drainage betterment charges as fixed by the Commissioner, from time to time] submit plans and sections, showing the situation and boundaries of such building, land and the site of the private street, if any, and also the situation and boundaries of all other lands of such person of which such building, land or

319. Inserted by Act No.7 of 1992.
320. Inserted by Act No.6 of 1984.



site forms a part and the intended development, laying out and plotting of such building, land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees, beside such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid the means of access from and to such building and the manner of the paving, metalling, draining and lighting of such means of access.

Commissioner may call for information further particulars.

389. If any notice under section 388 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any or all of the purposes mentioned in clauses (a), (b) or (c) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice —

(a) to furnish the required information together with all or any of the prescribed documents, or

(b) to revise any or all of the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify in addition to or in substitution for any means of access proposed to be provided in such

scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.



Commissioner may require plans to be prepared by licensed Surveyors.

390. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 388 or 389 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Laying out of land and laying out of private streets and heights of buildings to be determined by Commissioner.

391. (1) The laying out of land for building the dimensions and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of trees to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or on either side of such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing Committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands and also with the object that the proposed private street may not conflict with any arrangements which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality:

dimensions and area of each plot;

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 388 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 389 the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not been communicated to the person who gave the same proposals of the said person shall be deemed to have been approved by the Commissioner.

(2) When the Commissioner signifies in writing to the said person his approval of the said work under certain



conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 388 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in accordance with the conditions, if any, imposed by the Commissioner but not so as to contravene any of the provisions of this Act or of any bye-law made thereunder.

Land not to be appropriated for building and private street not be laid out until expiration of given previous written notice not otherwise than in

392. (1) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or layout any private street —

(a) unless such person has given previous written notice of his intention as provided in section 388 nor until

the expiration of sixty days from delivery of such directions, accordance with Commissioner's if any, as directions.

may have been fixed and determined under sub-section (1) of section 391,

(b) after the expiry of the period of one year specified in sub-section (2) of section 391,

(c) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.

(2) If any act be done or permitted to be done in contravention of this section, the Commissioner may by written notice require any person doing or permitting the doing of such act,-

(a) to show cause on or before such day as shall be specified in such notice by statement in writing subscribed



by him in that behalf and addressed to the Commissioner, why the layout, plot, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or if that be in his opinion impracticable why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or

(b) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.

(3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice not executed in pursuance of approval given under section 391.

393. If a person who is entitled to proceed with any work of intention to under section 391 fails so to do within the period of one year carry out works specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 388.

Levelling and draining of private streets and means of access.

394. If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, [321][XXX], drained, channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of

321. Omitted by Act No.6 of 1982.



access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this

section to carry out anyone or more of the aforesaid requirements in such manner as he shall direct.

Power to declare private streets flagged or when sewered, etc. as public streets. such

395. When any private street has been levelled, metalled, paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owners or of any of the owners of such street, shall, if lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the Government in respect of the land comprised in such street has been paid, declare the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Corporation as such:

Provided that no such street shall become a public street if, within one month after such notice has been put up the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Applicability of sections 394 and 395 when a street is in part public and in part private. other portion

396. If a portion only of any street is a public street, the of such street may be for all purposes of sections 394 and 395 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projection upon streets. erect, set up,

397. (1) Except as provided in section 399 no person shall add to or place against or in front of any premises any structure or fixture which will —



(a) overhang, jut or project into, or in any way encroach upon, or obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use of proper working of such drain or channel or to impede the inspection or cleansing thereof.

Powers to require removal of the same. (2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other action as he may direct with 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 or of any law in force in the City on the day of coming into force of this Act.

(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 in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alterations of projections, etc., made before the 398. If any such structure or fixture as is described in sub-section (1) of 397 has been erected, set up, added to, or placed against or in front of any premises at any time before the coming into force of this Act the Commissioner may give

coming into force of this Act.

notice as aforesaid to the owner or occupier of the said premises:

Provided that if in any such case the structure or fixture was lawfully erected, setup, added to or placed compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

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Projections over streets may be permitted in certain cases.

399. (1) The Commissioner may give a written permission on such terms as he shall in each case thinks fit to the owner or occupier of any building abutting 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, sun-shade, 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 erection of an arcade in any public street in which the construction of arcades has not been generally sanctioned by the Corporation.

(2) The provisions of sections 397 and 398 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(3) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (1) and such owner or occupier 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.

Ground floor doors, etc., not to open outwards on street.

400. The Commissioner may at any time, by written notice, require the owner of any premises on the ground floor of which any door, gate, bar or window opens out-wards upon a street, or upon any land required for the improvement of a

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street, in such manner as, in the opinion of the Commissioner to obstruct the safe or convenient passage of the public along such street, to have said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

401. (1) No person shall, except with the permission of the Commissioner under section 428 or 433 erect,or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a 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 a projection over, to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of sub-section (1) of section 413 applies.

Prohibition of depositing etc., of thing in streets.

402. (1) No person shall, except with the written permission of the Commissioner —

(a) place or deposit upon any street, or upon any open channel drain or well in any street or in any public place, any stall, chair, bench, box, 322[ladder, bale, building materials, building debris or other things] whatsoever so as to form an obstruction thereto or encroachment thereon;

(b) project, at a height of less than twelve feet from the surface of the street, any board or chair, beyond the line of the plinth of any building over any street;

(c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

322. Substituted by Act No.11 of 1999.



323[(2) Whoever contravenes the provisions of sub-section (1) shall on conviction, be punishable with imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both.

(3) Any thing placed or deposited in contravention of the provisions of sub-section (1) may be seized by the Commissioner or any other person duly authorised by him in this behalf, and on conviction for an offence under sub-section (2) the Court may also pass such order as it thinks fit respecting the disposal of such thing including confiscation of such thing.]

Licence for sale in public places.

403. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public street any article whatsoever, whether it be for human consumption or not.

Licences for use of skill in handicraft or rendering services for purposes of convenience of gain in public place or street.

404. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the the public in public place or public street.

Commissioner may without notice, remove any thing erected, deposited or structure whether hawked or permanent or a exposed for sale in contravention of Act.

405. The Commissioner may, without notice, cause to be removed —

(a) any wall, fence, rail, post, step, booth or other fixed or movable and whether of a temporary nature, or any fixture which shall be erected or set up in or upon or over any street, any open channel, drain, well or tank contrary to the provisions of this Act;

323. Substituted by Act No.11 of 1999.



(b) any stall, chair, bench, box, ladder, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended, in, upon, from or to any place in contravention of this Act;

(c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to require removal of a structure or fixture erected or set up.

406. The Commissioner may, by written notice, require the owner, occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture which it would be unlawful to erect or set up under this Act has been erected or set up to remove the said wall, fence, rail, post, step, booth or other structure or thing:

Provided that, if any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of tethering of animals in public street.

407. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer or may be removed by a police officer, who shall deal therewith as with an animal found straying.



Temporary erections on streets during Festivals.

Commissioner may permit booths, etc., to be erected on festivals.

408. With the concurrence of [324][the Chief City Magistrate] the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning execution of works in or near to streets.

Streets when broken up for any municipal purposes to be restored without delay.

409. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street aforesaid or in which work is in progress.

410. (1) The Commissioner may whilst any such work as any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent or of the description so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the Commissioner or without other lawful authority, remove any

324. Substituted for the words "the Chief City Magistrate of Hyderabad or the District Magistrate of Secunderabad, as the case may be" by A.P. Act XXI of 1960.



bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc, pending execution of Municipal work in any street.

411. Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Precautions to be taken for public safety where municipal works are in progress in any street.

412. (1) Whilst the execution of any work on behalf of the Corporation is in progress in any street the Commissioner shall—

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 410 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain so set up.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or set up for any of the purposes of this section.



Streets not to be opened or broken up and building materials not be deposited thereon without permission.

413. (1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(a) open, break up, displace, take up or make any

alteration in, or cause any injury to the soil or pavement or any wall, fence, posts, chain or other material or thing

forming part of any street;

(b) deposit any building materials 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, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or (c) of sub-section (1) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty four hours written notice of the termination thereof to the person to whom such permission was granted.

(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1), or which, having been deposited or set up without such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).



Precaution for public safety to be taken by persons to whom permission is granted under section 413.

414. Every person to whom permission is granted under section 413 shall at his own expense cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other things, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such places to be well lighted during the night.

Persons to whom permission is granted under section 413 must reinstate streets, etc. opened

415. (1) Every person to whom permission is granted under section 413 to open or break up the soil or pavement of any street, or who under other lawful authority opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is given under section 413 for traffic, etc.

416. The Commissioner may by written notice, require any person to whom permission is granted under section 413 to open or break up the soil or pavement of any street or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to any premises which may be approached from such street and for any drainage, water

supply or means of lighting which may be interrupted by reason of the execution of the said work.



Hoards to be set up during work on any building adjacent to a street.

417. (1) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered inconvenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for the use of persons outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and, in all cases in which the same is necessary to prevent accidents, the said person shall also cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Streets, etc.

Naming of streets, and numbering of houses.

418. (1) The Commissioner may, from time to time –

(a) with the sanction of the Corporation, determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name so determined;



(c) with the sanction of the Corporation determine the number by which any premises shall be known;

(d) by written notice require the owner of any premises either to put or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

(3) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (d) of sub-section (1), the expenses of such work shall be payable by the owner of the premises:

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the Corporation.

Buildings at corners of streets.

419. (1) The Commissioner may with the approval of the Standing Committee, require by written order the corner of any building

which has already been erected or which is to be newly erected or which is to be re-erected or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.



(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (1).

Sky-signs and Advertisements.

420. (1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal: Regulations as to sky-signs.

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely:—

(a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal city engineer;

(b) if any change be made in the sky-sign, or any part thereof;

(c) if the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) if any addition or alteration be made to, or in the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof;

(e) if the building or structure upon or over which the sky-sign erected, fixed or retained become unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained upon or over any land, building, or structure, save



and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provision of this section unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every

part of any such post, pole, standard frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon over any land, building or structure or upon or over any street, but shall not include —

(a) any flagstaff, pole, vane or weathercock, unless adopted or used wholly or in part for the purpose of any advertisement, announcement or direction;



(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work and do not extend, in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the railway administration and place wholly upon or over any railway, railway station, yard, platform or station approach belonging thereto, and so placed that it can not fall into any street or public place;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Regulation and control of advertisements.

421. (1) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure:

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which —

(a) is exhibited within the window of any building;

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



carried on by the owner of any vehicle upon which such advertisement is exhibited;

(c) relates to the business of any railway administration;

(d) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section unless he proves that

such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) (a) The word "structure" in this section shall include a tramcar, omnibus and any other vehicle and any movable



board used primarily as an advertisement or an advertising medium; and

(b) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display —

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.

Dangerous places.

Commissioner to take proceedings for repairing or enclosing dangerous places.

422. (1) If any place is, in the opinion of the Commissioner for want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful access thereto or to the neighbourhood thereof if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure the safety or convenience of such persons.

(2) The Commissioner may, before giving any such notice or before period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure public safety or convenience at such work, and any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.



Protective measures during demolition work.

423. (1) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard or fence which he may be required to provide under section 417 screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood or other material.

(2) If any such work is commenced in contravention of sub-section (1) the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

Lighting of Street.

Public streets to be lighted.

424. (1) The Commissioner shall —

(a) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all buildings vesting in the Corporation;

(b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation shall from time to time determine.

(2) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps, under, over, along or across, and posts, poles, standards, staves, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any



immovable property without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, staves, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition of wilfully removal, etc., of lamps.

425. No person shall, without lawful authority, take away or break, throw down or damage —

(a) any lamp, lamp-post or lamps-iron set up in any public street or municipal garden, or in any open space, markets or building vesting in the Corporation;

(b) any electric wire for lighting any such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

(d) any property of the Corporation in any street; and no person shall wilfully extinguish the light or damage the appurtenance of any such lamp.

Persons accidentally breaking lamp to repair the damage.

426. If any person shall through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation, or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him.

Measures for watering streets.

427. The Commissioner may-

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;



(b) procure and maintain such vehicles, animals apparatus as he shall think fit for the said purpose.

## CHAPTER XII.

## BUILDING REGULATIONS.

Notices regarding erecting of building.

Notice to be given to Commissioner of intention to erect a building.

428. (1) Every person who intends to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 435, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, its dimensions and the name of the person whom he intends to employ to supervise its erection.

(2) In this Chapter and wherever occurring in this Act 'to erect or re-erect a building' means —

(i) any material alteration or enlargement of any building;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in its drainage or sanitary arrangements or materially effect its security;



(vi) the addition of any rooms, buildings, out houses or other structures to any building;

(vii) conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose;

(viii) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space;

(ix) to convert into a stall, shop, ware house or godown any building not originally constructed for use as such or vice versa;

(x) to construct on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land.

Commissioner may require plans and other documents to be furnished.

429. (1) At any time within thirty days after receipt of any notice under section 428, the Commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely:—

(a) correct plans and sections of every floor of the building intended to be erected or re-erected which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation and of access to the several parts of such building and its appurtenances and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation and in the case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in

which number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections shall also show the depth and nature of the foundation and the proposed dimensions of all the walls, posts, columns, beams, joints and all girders and scantlings to be used in the walls, stair cases, floors and roofs of such building;

325[(aa) a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate or as the case may be an affidavit referred to in section 388.]

(b) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the buildings intended to be erected or re-erected and of the sanitary fittings to be used and also of the means of water supply and shall if required by the Commissioner be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building;

(c) a block plan of such building which shall be drawn to the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be situated and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and of the lowest floor of such building and of any yard or ground belonging thereto and the means of access to such building;

(d) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination

325. Inserted by Act No.7 of 1992.



of each drain, and the details of the arrangement proposed for the ventilation of the drains.

(2) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

430. The Commissioner may decline to accept any plan, description as sufficient for the purposes of the last preceding section, which does not bear the signature of licensed surveyor in token of its having been prepared by surveyor or under his supervision.

Commissioner may require plan, etc., submitted under last preceding section to be prepared by a licensed Surveyor.

431. If the notice given under section 428 and the documents, if any, furnished under section 429 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Additional information and the attendance of the person who gave the notice the may be required.

432. If any requisition made under section 429 or 431 is not complied with, the notice given under section 428 shall be deemed not to have been given.

Effect of non-compliance with requisition made under section 429 or section 431.

## Notices regarding Execution of Works not amounting to the Erection of a building.

433. Every person who shall intend— Notice to be given to the Commissioner of intention to make additions, etc., to buildings.

(a) to make any addition to a building; or



(b) to make any alteration or repairs to a building; not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet; or

(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 the plinth level, such half to be measured in superficial feet; or

(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;

(ii) the conversion of any passage or space in such building into a room or rooms; or

(e) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street;

Shall give to the Commissioner in a form obtained for the purpose under section 435 notice of his intention, specifying the portion of the building in which such work is to be executed, the nature and extent of the intended work, the particular part or parts, if any, of such work which is or are intended to be used for human habitation and the name of the person whom he intends to employ to supervise its execution.



434. (1) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections of the building and of the intended new work or of any specified portion thereof and the provisions of sections 429, 430, 431 and 432 shall apply to the intended new work so far as the Commissioner may consider them to be applicable. Plans and additional information may be called for.

(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

## Forms of notices.

435. (1) The Commissioner shall cause printed forms of notices for the purposes of section 428 or 433 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall Printed forms of notices to be supplied to the public.

from time to time be determined in this behalf by the Commissioner, with the approval of the Standing Committee.

(2) There shall be printed on the reverse of every such form of notice, or on a separate paper supplied without extra charge therewith, a copy of sections 428, 429, 430, 431, 432, 433, 434, 436, 437, 438, 440, 444, 445, 446, 447, 448 and 449 and of all bye-laws made under sub-sections (9), (12) and (13) of section 586 at the time in force.



Commencement of work.

Supervision of buildings and works.

436. Every person who intends to newly erect a building or execute any such work as is described in section 433, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be regulated by the bye-laws.

When building or work may be proceeded with.

437. If within thirty days after receipt of any notice under section 428 or 433, or of the plan, section, description or further information, if any, called for under sections 429,431 or 434 as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect or of the work which he proposes to execute, or, if, within the said period the Commissioner signifies in writing to the said person his approval of the said building or work, the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any bye-law made thereunder.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

438. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some bye-law made thereunder or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information if any, called for under section 429, 431 or 434 as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and specified



terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms specified as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any bye-law made thereunder.

Power to the Commissioner to

439. (1) Notwithstanding anything contained in sections 437 and 438, if in any case it appears to the Commissioner that

public improvements, which may render necessary the acquisition of the site of any building or work or any part of such site, are desirable and expedient, he may by order in writing direct that no further action shall be taken in pursuance of a notice given under section 428 or section 433 for a period not exceeding three months from the date of such notice.

withhold disposal of plans in certain circumstances.

(2) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely :—

(a) determining a regular line of a public street;

(b) determining a fresh line in substitution for the existing regular line of a public street;

(c) extending or altering a public street;

(d) any scheme for widening or modifying a private street.

(3) If within the said period of three months the public improvements referred to in sub-section (1) or any of the



matters referred to in sub-section (2) have been given final effect so as to have the result referred to in sub-section (1) or sub-section (2), the notice given under section 428 or section 433 shall be deemed to have lapsed.

(4) If any case is not covered by sub-section (3) the notice given under section 428 or section 433 shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-section (1) expired.

When work may be commenced.

440. (1) No person shall commence to erect or re-erect any building or to execute any such work as is described in section 428—

(a) until he has given notice of his intention as hereinbefore required to erect or re-erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period specified in this behalf in section 437 or 438;

(b) until he has given notice to the City Engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given;

(c) after the expiry of the period of one year specified in sections 437 and 438 respectively, for proceeding with the same.

(2) If a person, who is entitled under sections 437 and 438 to proceed with any building or work, fails so to do within the period of one year specified in the said sections, respectively for proceeding with the same he may at any subsequent time give a fresh notice of his intention to erect



or re-erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Building not to be

441. No person shall, without the written permission of the

Commissioner,—

converted to other purposes without the permission of the Commissioner.

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(b) convert into, or use, or permit to be used, as a chawl or building intended to form a range or separate rooms for lodgers, a building not originally designed or authorised to be so used.

Building for human habitation not to be used as godown, etc.

442. No person shall without written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed, or authorised to be used for human habitation as a godown, warehouse, workshop, workplace, factory, stable or a motor garage.

No alterations to be made in buildings for human habitation without permission of Commissioner.

443. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable or motor garage.



Provisions as to structure, material, etc.

Provisions as to buildings which are to be newly erected.

444. With respect to buildings which are to be newly erected the following provisions shall have effect, namely:—

(a) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner [326][and the drainage betterment charges as fixed by the Commissioner, from time to time, have been paid.]

(b) The erection of any such building in any part of the City in which the position and direction of the streets likely to be required in the future, have not yet been laid down or determined shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water supply and ventilation:

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six

months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

326. Added by Act No.6 of 1984.



(c) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcases of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(d) Every such building intended to be used as dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

(e) In addition to any means of ventilation required by any bye-law made under this Act every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers at least five feet wide. Such interior open space shall have an area equal to not less than one tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior required by this clause, shall be and be kept free from any structure thereon and open to the sky, and shall be and kept open to access from each end thereof.

(f) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least ten feet in height from the floor to the ceiling.



(g) Every such room in the roof of any such building shall have an average height of at least eight feet from the floor to the ceiling and a minimum height of not less than four feet.

(h) Every such room shall have a clear superficial area of not less than one hundred square feet.

(i) In addition to any means of ventilation required by any bye-law made under this Act every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

(j) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require —

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating, scavenging; and

(ii) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary; and

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

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

445. (1) No external wall and no covering of a roof built or renewed since the coming into force of this Act shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.



(2) If any external wall or covering of a roof is or has been, since the coming into force of this Act, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Maximum height of buildings.

446. (1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front —

(a) in the case of a pitched roof, up to the tie-beam of the roof, and

(b) in the case of a flat roof up to the surface of the roof.

(2) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(3) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (1).

Height of buildings with reference to width of streets.

447. Subject to the maximum fixed by section 446, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following provisions, namely:-

(1) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(2) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and



(3) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street;

(4) where the building abuts upon more than one street its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets:

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (1), sub-section (2), or sub-section (3), as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of the series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.

Frame buildings of more than one ground floor.

448. After the commencement of this Act no building, the external walls of which are of timber-framed construction, shall be erected or re-erected so as to consist of more than one ground floor and one upper storey:

Provided that the Commissioner may by special order grant permission for the erection or re-erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.

Provision of sufficient means of egress.

449. Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of a safe exit in the event of fire, he may, with the approval of the Standing Committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing



staircase in such manner or to provide such additional or emergency staircases, as he may determine.

Power of Commissioner to cancel permission on the ground of material misrepresentation by applicant.

450. If at any time after permission to proceed with any building or work has been given, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 428 or 433 or in the further information if any, furnished, he may cancel such permission and any work done thereunder shall be deemed to have been done without his permission.

Inspection.

Inspection of buildings in course of erection, alteration, etc.

451. The Commissioner may at any time during the erection or re-erection of a building or the execution of any such work as is described in section 433 make an inspection thereof without giving previous notice of his intention so to do.

Demolition or alteration of the building work unlawfully commenced, carried on or completed and provisional re-appeal thereon.

[327][452. (1) If the Commissioner is satisfied that the construction or re-construction of any building or execution of any work as described in section 433 is commenced or carried out contrary to the provisions of the Act or building rules or bye-laws made thereunder, he shall make a order requiring the person who is constructing or constructing such building or executing such work or has constructed or re-constructed such building or executed such work to demolish such unauthorized construction or re-construction or work within a period specified to bring such construction or re-construction of the building or work in conformity with the provisions of the Act or building rules or Bye-laws made thereunder and may also direct that until the said order is complied with, the concerned person shall

327. Substituted by Act No.11 of 2017.



refrain from proceeding with, such construction or re-construction of the building or work.

(2) The Commissioner shall serve a copy of the provisional order made under sub-section (1) on such person mentioned in sub-section (1) with a notice requiring him to

show cause within a reasonable time to be specified in such notice as to why the order should not be confirmed.

(3) If the person mentioned in sub-section (1) fails to show couse to the satisfaction of the Commissioner, he may confirm the order with such modification as he thinks fit and serve the confirmation order on such person and such order shall be binding on such person; and such person shall be liable for carrying out the requisitions of the Commissioner within the period specified in such confirmation order.

(4) If within the period specified in such confirmation order, the requisitions contained therein are not carried out by such person the Commissioner may demolish such unauthorized construction or reconstruction or work and the expenses thereof shall be recoverable from the said person.

(5) Ay person aggrieved by an order of the Commissioner made under sub-section (3) may, within fifteen days from the date of receipt of the order prefer an appeal against the order to the Municipal Building Tribunal appointed under section 462-A.

(6) Where an appeal is preferred under sub-section (5) against an order made under sub-section (3), the Municipal Building Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit:

Provided that where the construction or re-construction of the building or the execution of the work has not been completed at the time of the order made under sub-section



(3), no order staying the enforcement of the order made under that sub-section shall be made by the Municipal Building Tribunal unless a surety, sufficient in the opinion of the said Tribunal, has been given by the appellant for not proceeding with such construction or re-construction or work pending the disposal of the appeal.

(7) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(8) Every order made by the Municipal Building Tribunal on appeal and, subject to such order, the order made by the Commissioner under sub-section (3) shall be final and conclusive.

(9) Where no appeal has been preferred against an order made by the Commissioner under sub-section (3) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therin, or as the case may be, within the period, if any, fixed by the Municipal Building Tribunal on appeal, and on the failure of such person to comply with the order within such period, the Commissioner may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as arrears of property tax under this Act.]

Regularisation of violation of floor area of Non-High Rise Buildings.

328[452-A. Any contravention of section 452 in respect of Non-High Rise Buildings may be regularised by the Commissioner or any officer authorised by the

Commissioner in this behalf to the extent of violated floor

328. Section 452-A inserted by Act No.9 of 2008.



area made to the setbacks on each side of each floor except building line upto ten percent of the permissible setbacks, on payment of fine equivalent to one hundred percent of the value of the land as fixed by the Registration Department applicable at the time of regularisation in respect of violated floor area subject to the condition that sanctioned plan has already been obtained in each case.]

Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection.

453. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section 452 anything has been done contrary to any provision of this Act or of any rule or bye-law made thereunder or that anything required by any such provision, rule, bye-law to be done has been omitted to be done;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Commissioner may, with the approval of the Standing Committee, by a written notice, require the person who has erected or re-erected such building or executed such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection or re-erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or bye-law made there-under, and that nothing required by any such provision, rule or bye-law to be done has been omitted to be done compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.



Enforcement of provisions concerning erection of buildings and works.

454. The Commissioner may, at any time, during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice specify any matter in respect of which the erection or re-erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule, or bye-law made thereunder, and require the person erecting or re-erecting or executing or who has erected or re-erected or executed such building or work is not at the time of the notice the owner thereof, the owner of such building or work to cause anything done contrary to any such provision, rule or bye-law to be amended or to do anything which by any such provision, rule, or bye-law may be required to be done but which has been omitted to be done.

Completion of completion certificates, permission to occupy or use.

455. (1) Every person shall, within one month after the of the erection or re-erection of a building or the execution of any such work as is described in section 343

deliver or send or cause to be delivered or sent to the Commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form specified in the bye-laws signed and subscribed in the manner so specified, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until:—

(a) permission has been received from the Commissioner in this behalf, or



(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

Regularisation of Buildings constructed without sanctioned plan.

329[455-A. The Commissioner may regularise constructions made without obtaining sanctioned plan, subject to fulfilling the following conditions:-

(a) submission of building plans to the competent authority duly paying all categories of fee and charges;

(b) the construction shall be subject to the condition that all parameters laid down in relevant statutes, Master Plan, Zonal Development Plan, Building Bye-laws, Building Rules and other relevant Government Orders including

Act No.15 of 1999.

330Telangana Fire Service Act, 1999 and the National Building Code are satisfied;

(c) payment of penalty equivalent to thirty three percent (33%) of the various categories of fees and charges payable by the applicant for obtaining building permission in addition to the regular fee and other charges payable.

Regulation and penalisation of construction of buildings in deviation of sanctioned plan.

455-AA. Notwithstanding anything in the Act, the Municipal Commissioner may regulate and penalise the constructions of buildings, made by the owner, or by an individual as the case may be, unauthorisedly or in deviation of the sanctioned plan 331[as on 28/10/2015] as a one time measure, as per the procedure and by levying such penal amount as may be prescribed and upon payment of such amount all pending or contemplated proceedings and action of enforcement shall be deemed to have been withdrawn and the competent authority shall issue necessary Occupancy Certificate to the owner or the individual as the case may be.]

329. Sections 455-A and 455-AA inserted by Act No.9 of 2008.

330. Adapted by G.O.Ms.No.75, Home (Legal) Department, dated 17.11.2015.

331. Substituted by Act No.5 of 2016.



Dangerous Structures.

456. (1) If it shall at any time appear to the Commissioner that any structure (including under this expression any

Removal of structures, trees,

building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure is in ruinous condition or likely to fall, or is in any way dangerous to any person occupying, resorting to or passing by, such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to do one or more of the following things, namely:—

etc., which are in ruins or likely to fall.

(i) to pull down,

(ii) to secure,

(iii) to remove, or

(iv) to repair such structure or thing, and to prevent all cause of danger therefrom.

(2) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or things, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same the Commissioner shall think the same desirable, to serve as footway for passengers outside of such hoard or fence.



(3) If it appears to the Commissioner that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(4) Any expenses incurred by the Commissioner under sub-section (3) shall be paid by the owner or occupier of the structure.

(5) (a) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of structure such as is referred to in sub-section (1) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person the Commissioner after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to enter such adjoining premises.

(b) Every such order bearing the signature of the Commissioner shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the premises reasonable written notice of his intention so to do, to enter upon the said premises with assistants and workmen, at any time between sunrise and sun set, and to execute the necessary work.

(c) In executing any work under this section as little damage as possible shall be done to the adjoining owner's



property, and the owner or occupier of premises for the benefit of which the work is done, shall —

(i) cause the work to be executed with the least practicable delay;

(ii) pay compensation to any person who sustains damage by the execution of the said work.

Precautions in case of dangerous trees.

457. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Commissioner to be likely to fall and thereby to endanger any person or any structure the Commissioner may by notice require the owner of the said tree to secure, lop or cut down, the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures, as he thinks fit, to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 641.

Precautions in case of dangerous tanks, wells, holes, etc.

458. (1) If any tank, pond, well, hole-stream, dam, bank or other place be deemed by the Commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by or to persons living in the neighbourhood, the Commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be



recoverable from the owner in the manner provided in section 641.

Opportunity for stating objections.

459. The Commissioner shall issue a notice under sub-sections (1) and (2) of section 456, sub-section (1) of 457 or sub-section (1) of section 458, after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Periodic inspection of buildings.

460. (1) It shall be incumbent on the owner of every building to maintain every part thereof and everything appurtenant thereto in such repair as to prevent its becoming dangerous.

(2) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be specified in the bye-laws.

(3) The owner shall within two months of an inspection under sub-section (2) undertake such repairs as the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 456 after complying with all the provisions of this Act and the rules and bye-laws in regard to such repairs and shall, on completion of such repairs, submit to the Commissioner a certificate signed by the person who made the inspection, of his having carried out the repairs satisfactorily.

(4) A report of every inspection made, under sub-section (2) shall forthwith be submitted to the Commissioner by the person who carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if

the owner fails to comply with the requirements of sub-section (3).

(5) The expenses incurred by the Commissioner under sub-section (4) shall be paid by the owner.

Works unlawfully carried on.

Powers of Commissioner to direct removal of unlawful work.

461. (1) If the Commissioner is satisfied that the erection or re-erection of any building or the execution of any such work as is described in section 433 has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or re-erection or execution of work to stop the same forthwith.

(2) If such erection or re-erection or execution of work is not stopped forthwith, the Commissioner may direct that any person directing or carrying on such erection or re-erection or execution of work shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the re-entry of such person on the premises without his permission.

(3) The cost of any measures taken under sub-section (2) shall be paid by the said person.

[332][(4) Notwithstanding anything contained in the Act, any person who, whether at his own instance or at the instance of any other person or any body including a department of the Government undertakes or carries out construction or development of any land in contravention of the statutory master plan or without permission, approval or sanction or in contravention of any condition subject to which such permission, approval or sanction has been

332. Inserted by Act No.6 of 2008.



granted shall be punished with imprisonment for a term which may extend to three years, [333][or with fine which shall be levied as provided in Schedules (U) and (V) of the Act read with section 596 of the Act.]]

Powers to seal unauthorised construction/ development of premises.

[334][461-A. (1) It shall be lawful for the Commissioner, at any time, before or after making an order for the removal or discontinuance of any unauthorized development or construction under section 461, to make an order directing the sealing of such development or property or taking the assistance of police, for the purpose of carrying out the provisions of the Act.

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may, within seven days from the date of the order, prefer an appeal against the order to the Municipal Buildinng Tribunal appointed under section 462-A.

(3) Where an appeal is preferred under sub-section (2) against an order made under sub-section (1), the Municipal Building Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit.

(4) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief aganist

the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the Municipal Building Tribunal on appeal and, subject to such order, the order made by the Commissioner under sub-section (1) shall be final and conclusive.

333. Substituted by Act No.15 of 2013.

334. Inserted by Act No.6 of 2008 and substituted by Act No.11 of 2017.



(6) Where no appeal has been preferred against an order made by the Commissioner under sub-section (1) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the Commissioner shall take action to implement the order made under sub-section (1).

(7) No person shall remove such seal except,-

(a) under an order made by the Commissioner, or

(b) under an order of the Municipal Building Tribunal on the appeal made in this behalf.]

Power of Commissioner to cause any building to be vacated in certain circumstances.

462. (1) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice —

(a) if such building or portion thereof has been unlawfully occupied in contravention of section 455;

(b) if a notice has been issued in respect of such building or part thereof requiring the alteration or re-construction of any existing staircase, lobby, passage, or landing and the works specified in such notice have not yet been commenced or completed;

(c) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 456.

(2) In every such notice the Commissioner shall clearly specify the reasons for requiring such building or portion thereof to be vacated.



(3) The affixing of such written notice on any part of such premises shall be deemed a sufficient notice to the occupiers of such building or portion thereof.

(4) On the issue of a notice under sub-section (1) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall, so long as the notice is not withdrawn, enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(5) The Commissioner may direct that any person who acts in contravention of sub-section (4) shall be removed from such building or part thereof by any police officer.

(6) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (1), reinstate

such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alterations or demolition.

(7) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section (6) and may also use such force as is reasonable and necessary to effect entry in the said premises.

Municipal Building Tribunal.

335[462-A. (1) The State Government shall appoint a Municipal Building Tribunal or Tribunals (hereinafter referred to in this section as "the Tribunal") to hear and decide appeals arising out of matters referred to in section 452 or section 461-A and to adjudicate the offences relating to contravention of provisions of the Act mentioned in

335. Inserted by Act No.11 of 2017.



Schedule-U and Schedule-V in respect of Chapter-XII, namely Building Regulations under sections 596 and 597 in accordance with such procedure, and to realize such fees or fines in connection with such appeals as may be prescribed.

(2) The Tribunal shall consist of a Chairperson and such number of other members, not exceeding eight as the State Government may determine. The members shall consist of judicial members and technical members.

(3) The Chairperson may constitute one or more Benches, each Bench comprising at least two members one of whom shall be a judicial member and another a technical member.

(4) The Chairperson or a judicial member shall be a person who is or has been a District Judge.

(5) A technical member shall be a person who is working in the cadre of Director of Town and Country Planning in Telangana Town Planning Service.

(6) The Chairperson and the other members of the Tribunal shall be appointed by the State Government for such period, and on such terms and conditions, as the State Government may determine and shall be paid from the Municipal Fund.

(7) The State Government may, if it thinks fit, remove for reason of incompetence or misconduct or for any other good or sufficient reason the Chairperson or any other member of the Tribunal.

(8) The Tribunal shall have an establishment consisting of such officers and other employees, appointed on such terms and conditions, as may be prescribed, and the



expenses of the Tribunal shall be paid out of the Municipal Fund.

(9) The provisions of Part II and Part III of the Limitation Act, 1963 (Central Act No. 36 of 1963), relating to appeal shall apply to every appeal preferred under this section.

(10) No court shall have jurisdiction in any matter for which provision is made in this Chapter for appeal to the Tribunal.]

Power to regulate future construction of certain classes of buildings in particular streets

463. (1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months —

(a) that in any street or portions of street specified in

or localities. such notice that elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality;

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice;

(c) that the minimum size of building plots in particular localities shall be of a specified area;

(d) that in any localities specified in the notice the construction of more than a specified number of houses on each acre of land shall not be allowed; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops,



warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2) with a statement of its opinion thereon to Government.

(5) Government may pass such orders with respect to such declaration as it may think fit:

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration as confirmed or modified by Government shall be published in the *Telangana Gazette and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of such declaration.



336[CHAPTER XII-A

SPECIAL PROVISIONS RELATING TO DEVELOPMENT AND MAINTENANCE OF MAJOR CIVIC INFRASTRUCTURE.

Power of Corporation to levy external betterment charges.

463-A. (1) It shall be lawful for the Corporation to collect external betterment charges at the time of according approval to the layouts or sub-divisions of a plot or issue of building permit for the purpose of providing or maintaining major arterial roads, lung spaces and other major civic infrastructure:

Provided that such charges shall not be levied in case of the lay-outs which were finally released as on the 10th March 1986 and also for residential buildings whose plot area does not exceed 200 sq.mts:

Provided further that no such charges shall be levied and collected in respect of lay-outs or buildings taken up in notified slums. Such charges shall however, be collected once the slum is denotified.

(2) The external betterment charges shall not exceed thirty percent of betterment charges being collected by the Corporation as per the Municipal Corporation of Hyderabad (lay-out) Rules.1965.

Explanation:- For the purposes of this sub-section betterment charges shall include the charges fixed by Corporation on various types of buildings area-wise from time to time.

(3) The Corporation shall issue detailed guidelines for levy and collection of external betterment charges and for utilisation of amounts so collected.]

336. Inserted by Act No.23 of 1994.



337[CHAPTER XIII.

[Sections 464 to 479]

CHAPTER XIV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

480. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measure for securing—

(a) the daily surface cleansing of all streets in the City and the removal of the sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 484 or 485 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc., to be the property of the Corporation.

481. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 484 shall be the property of the Corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

482. The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(a) dust, ashes, refuse and rubbish;

(b) trade refuse;

337. Chapter XIII repealed by the Telangana Urban Areas (Development) Act, 1975 (Act No.1 of 1975) (Sections 464 to 479).



(c) carcasses of dead animals, and excrementitious and polluted matter:

Provided that—

(i) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without

the sanction of the Corporation or in any place or manner which the Government think fit to disallow;

(ii) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of owners and occupiers to collect and deposit dust, etc.

483. (1) It shall be incumbent on the owner and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice from time to time specifies, in the public receptacle, depot or place provided or appointed under the last preceding section or the temporary deposit or final disposal thereof.

(2) The Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place

forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be specified by the



Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice, direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section.

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

484. [338][(1)] When the Commissioner has given public notice, under clause (a) of sub-section (1) of section 201, of his intention to provide, in a certain portion of the City, for the collection, removal and disposal by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the city.

[339][(2) Even after the Commissioner has taken such measure under sub-section (1), if any person commits defacation, urination or spitting in open public places shall, on conviction, be punishable with imprisonment which may extend to one month or with fine which may extend to five thousand rupees.]

Collection and removal of excrementitious and polluted matter when to be provided for by

485. It shall be incumbent on the occupier of any premises situate in any portion of the City for which the Commissioner has not given a public notice under clause (a) of sub-section (1) of section 201 and in which there is not a water-closet or

338. Renumbered by Act No.11 of 1999.
339. Added by Act No.11 of 1999.



privy connected with a [340][Board Sewer], to cause all excrementitious and polluted matter accumulating upon his premises to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 482, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

Scavengers' duties in certain cases may not be discharged by private individuals

486. In any portion of the City in which the Commissioner has given a public notice under clause (a) of sub-section (1) of section 201, and in any premises whereever situate in which there is a water-closet or privy connected with a

without the permission. 340[Board Sewer], it shall not be lawful, except with the Commissioner's 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.

Prohibition of failure to remove refuse, etc., when bound to do so.

487. 341[(1)] No person—

(a) who is bound, under section 483 or section 485 to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(b) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time in force under section 483 or use for the removal of any excrementitious or polluted mater any vehicle or vessel not having covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

340. Substituted by Act No.6 of 1982.

341. Renumbered by Act No.11 of 1999.



(c) shall, whilst engaged, in the removal of any dust, ashes, refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal any portion thereof may fall and entirely to remove these sweepings;

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(e) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter on any street or in any place not provided or appointed for this purpose under section 482 or 483;

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such state as to be offensive or injurious to health.

342[(2) Whoever, contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees.]

Presumption as to offender under [clause (e) of sub-section (1) of section 487].

488. If it shall in any case be shown that dust, ashes, refuse, rubbish or trade effluent or any excrementitious or polluted matter has or have been thrown or placed on any street or place, in contravention of 343[clause (e) of sub-section (1) of section 487], from some premises, it shall be presumed,

342. Added by Act No.11 of 1999.

343. Substituted including marginal heading by Act No.11 of 1999.

until the contrary proved, that the said offence has been committed by the occupier of the said premises.

Removal of rubbish and filth accumulating in large quantities on premises.

489. (1) If any person who is bound under section 483 cause the collection and deposit of dust, ashes, refuse, rubbish and trade effluent or under section 483 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle, or shall neglect to cause the same to be removed to the receptacle, depot or place provided or appointed for the purpose, the Commissioner, may in addition to the institution of any proceedings provided for in this Act, by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish, trade effluent or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(2) If such person shall fail to comply with the notice given under sub-section (1), the Commissioner may cause, the dust, ashes, refuse, rubbish and trade or excrementitious or polluted matter accumulated in such premises to be removed [344][and a penalty not exceeding one thousand rupees as the Commissioner may fix,] shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth.

490. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

344. Substituted by Act No.11 of 1999.



Special sanitary arrangements at certain places.

491. (1) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate, for maintaining sanitation in the vicinity of any temple, mutt, mosque, tomb or any place of religious worship or institutions to which large number of persons resort on particular occasions or in any place which is used for holding fairs or festivals.

(2) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (1) as the Corporation may, from time to time, fix.

Inspection and sanitary regulation of premises.

Power to inspect premises for sanitary purposes.

492. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Repair, cleansing and lime-washing of any building may be required.

493. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected to cause the same or some portion thereof to be repaired or

limewashed or otherwise cleansed, either externally or internally, or both externally and internally.

Removal of stones, rafters, building materials from any premises may be required.

494. If it shall appear to the Commissioner that any tiles, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neigbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of



the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Abandoned or unoccupied premises.

495. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city or to any person who is known or believed to claim to be the owner, if such person is resident within the city and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

496. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, or resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(2) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require



the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary, provided that nothing herein contained shall affect the provision of section 480:

Provided that in so far as the unwholesome or filthy condition of such premises or such street or such nuisance as above mentioned is caused by the discharge from or by any defect in the municipal drains or appliances

connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance arising from defective building or roof.

497. (1) If it shall appear to the Commissioner that any any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof, the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufference such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.



Powers with reference to insanitary buildings.

498. (1) Whenever the Commissioner considers —

(a) that any building or portion thereof is, by reasons of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings is for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owner of the land occupied by such buildings, or portions of buildings to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reasons of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which case the Corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in such proportion to the increased value acquired by their respective buildings

as may be determined by the Commissioner with the approval of the Standing Committee.



(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

499. (1) If any building, or portion thereof, intended for or used as a dwelling place appears to the Commissioner to be unfit for human habitation, he may apply to the Standing Committee to prohibit the further use of such building for such purpose, and the Standing Committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such orders should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the Commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Standing Committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the Commissioner shall report the case to the Standing Committee which shall thereupon consider whether the building should not be demolished. The Standing Committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the Standing Committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with



due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the Commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execution of the decision of the Standing Committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Power of Commissioner to call for statement of

500. (1) The owner of a building shall, within a period of fifteen days after receipt of written notice from the Commissioner, sign and give a certificate of the following

accommodation.

particulars with respect to such building or any part thereof:—

(a) the total number of rooms in the building,

(b) the length, breadth and height of each room, and

(c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation:—



(a) the total number of persons dwelling in the building or any part of it,

(b) the number of persons using each room by day and by night, and

(c) the number, sex and age of the occupants of each room used for sleeping.

Overcrowded dwelling.

501. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 500 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Magistrate to prevent such overcrowding; and the said Magistrate after such inquiry as he thinks fit to make, may fix the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building within a reasonable time not exceeding ten days to be fixed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants or other inmates of the said building or room or rooms, in accordance with the maximum so fixed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(2) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(3) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the



amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less

than three hundred cubic feet, two children under ten years of age counting as one adult.

Insanitary huts and sheds.

502. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging 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 neighbourhood, or is for any reason likely to endanger the public health or safety; he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Measures against rats, etc., may be required in respect of premises used for storage of goods.

503. Where it appears to the Commissioner that any building or part thereof used for the storage of goods is used in such manner as to afford harbourage to rats, mice or other animals susceptible to plague or other vermin, he



may require the owner or occupier by written notice to take such steps for the destruction of rats, mice or other animals or other vermin as are specified in the notice or to carry out such works as will render the wall and floors of such building or part of a building roof against such infestation.

Fillings in of pools, etc., which are a nuisance.

504. (1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course or any collection of water;

(b) any cistern or other receptacle or water or any article or thing capable of collecting rain-water during the monsoon season whether within or outside a building;

(c) any land on which water accumulates or is likely to accumulate, or

(d) any premises or any part of any premises occupied or unoccupied, or under construction, reconstruction or demolition; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (35) of section 2.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufference, a nuisance arises, exists or continues, or is likely to arise and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall specify in such notice.



(iii) The Commissioner may also by notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and

may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been, abated or removed if he considers that is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.

(2) If any person who, by a requisition made under sub-section (1), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make



further inquiry into the case, and he shall not institute any prosecution under section 523 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 639 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be shared, and, if so, in what proportions.

Regulation or prohibition of certain kinds of cultivation.

345[504-A. The Commissioner may, on the report of the Medical Officer of Health that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practiced during the five years preceding the date of such public notice, with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.]

Permission for dug or new well etc.,

505. (1) No new well, tank, pond, cistern or fountain shall be constructed without the previous permission in writing of the Commissioner.

345. Inserted by Act No.27 of 1984.



(2) If any such work is begun or completed without such permission the Commissioner may either —

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall determine, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to order cleansing of insanitary private water source, spring, tank, well, etc., used for drinking.

506. (1) The Commissioner may by written notice require the owner of, or person having control over, any private water of water source, spring, tank, well or other place which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved, to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to —

(a) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

507. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to



health or offensive to the neighbourhood he shall cause the same to be cleansed, drained or filled up.

Dangerous quarrying may be stopped.

508. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may with the approval of the Standing Committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

509. (1) If, in the opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed; or overgrown, with quickly pear or other rank vegetation; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing;

(i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly pear or other rank vegetation therefrom; or

(ii) to remove, cut, lop or trim such tree or shrub, as the case may be.



(2) In any case falling under clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and destruction of animals and disposal of carcasses.

Prohibitions as to keeping animals.

510. (1) No person shall —

(a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

(b) keep any animal on his premises so as to be a nuisance or danger to any person;

(c) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

511. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,—

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or



(b) as a godown or place for the storage, in connection with whole-sale trade of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose; provided that the Commissioner may permit such use subject to such conditions as he may think fit to impose.

Removal of carcasses of dead animals.

512. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the city.

(2) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found and the person having the charge of an animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the health department of the municipal office of the division of the city in which the death occurred or in which the carcass is found.

(3) For every carcass so removed by municipal agency a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal, or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

Regulation of public bathing, washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner, and regulation of use of such places.

513. (1) The Commissioner may, from time to time —

(a) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for



bathing, or for washing animals, or for washing or for drying clothes;

(b) specify the times at which and the sex of persons by whom, such places may be used;

(c) prohibit, by the public notice, the use by the public for any of the said purposes of any place not so set apart;

(d) prohibit by public notice the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes;

(e) regulate by public notice the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purposes; and

(f) regulate by public notice the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work and of the water in any work, assigned and set apart under this Act for any particular purposes.

(2) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (a) of sub-section (1) by any specified class or classes of persons or by the public generally.

Prohibition of bathing, etc., contrary to order or regulation.

514. Except as permitted by any order made under any provision of this Act, no person shall —

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well in any part of a river or other place vesting in the Corporation;



(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(c) throw, put, or cause to enter into the water in any such place or work, any animal or other thing;

(d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything whereby the water shall be in any degree fouled or corrupted;

(e) dry clothes in or upon any such place;

(f) in contravention of any prohibition made by the Commissioner under section 513 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section;

(g) contravene the provisions of any notice given by the Commissioner under section 513 for the use of any such portion of a river or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or other matter, etc.

515. No person shall —

(a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing platform, lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well.

Regulation of factories, trades, etc.

Factory etc., not to be newly established without permission of Commissioner.

516. Subject to the provisions of Factories Act, 1948, (63 of 1948), no person shall —



(i) newly establish in any premises,

(ii) remove from one place to another,

(iii) reopen or renew after discontinuance for a period of not less than three years, or

(iv) enlarge or extend the area or dimensions of –

any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, work place or bakery without such permission:

Provided that for the purpose of clause (iii) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

Application for new factories.

517. (1) Every application for permission under section 516 shall be in writing and shall give such information and be accompanied by such plans as may be required under the bye-laws made in this behalf.

(2) The Commissioner may, as soon as may be after the receipt of the application —

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act, bye-law, or standing order; or



(b) refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop workplace or bakery in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(3) If any written permission for the establishment of a factory, workshop, workplace or bakery granted under sub-section (2) be revoked by the Commissioner in the exercise of his power under sub-section (3) of section 622 no person shall continue to resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnaces used in trade or manufacture to consume their own smoke.

518. (1) No person shall-

(a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable consume its own smoke; or

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

519. (1) Whenever it shall appear to the Commissioner that any factory, workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a clean state or is not ventilated in such a manner as to tender harmless as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,



or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein; or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb; the Commissioner may, by written notice, require the owner of such factory, workshop, workplace or other building or place to take such order for putting and maintaining the same, in cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Indian Boiler Act, 1923 and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply on

Central Act 5 of 1923.

Central Act 63 of 1948. any factory to which the provisions of the Indian Factories Act, 1948 are applicable.

Prohibition of use without permission of the Commissioner.

520. (1) No person, shall without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed. of steam-whistle or steam trumpet

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 622.



Certain things not to be kept and certain trades and operations not to be carried on, without a license.

521. (1) Except under and in conformity with the terms and conditions of a licence granted by the Commissioner no person shall —

(a) keep, in or upon any premises, for any purpose whatever;

(i) any article specified in Part I of Schedule P;

(ii) any article specified in Part II of Schedule in excess of the quantity of such article which may at any one time be kept in or upon the same premises without a license;

(b) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule P;

(c) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four cwts.;

(d) keep or allow to be kept in or upon any premises, horses, cattle or other four footed animals —

(i) for sale,

(ii) for letting out on hire,

(iii) for any purpose for which any charge is made or any remuneration is received, or

(iv) for sale of any produce thereof ;

(e) carry on, or allow to be carried on, in or upon any premises —



(i) any of the trades or operations connected with trade specified in Part IV of Schedule P;

(ii) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same, is or is proposed to be carried on;

(f) carry on within the city or use any premises for the trade or operation of a farrier.

(2) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (ii) of clause (e) of sub-section (1), after written notice to that effect, signed by the Commissioner has been served on such person or affixed to the premises to which it relates.

(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (e) of sub-section (1), if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handi-craftsman or otherwise.

(4) It shall be in the discretion of the Commissioner —

(a) to grant any license referred to in sub-section (1) to such restrictions or conditions, if any, as he shall think fit to impose, or

(b) to withhold any such licence.



(5) Every person to whom a licence is granted by the Commissioner under sub-section (3) shall keep such licence in or upon the premises, if any, to which it relates.

(6) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk, or jute to any other large mill or factory which the Commissioner may, from time to time, with the approval of the Standing Committee specially exempt from the operation thereof.

Prohibition of corruption of water by chemicals, etc.

522. (1) No person engaged in any trade or manufacture specified in Part IV of Schedule P shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act, connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place of water is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits; and if upon such examination it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall in his discretion, require to be adopted for the discontinuance of the cause of



such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened; but if it appears that there has been no contravention of the said sub-section, that

said expenses, and the compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for Manufacture, etc.

523. (1) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 521 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bake-house, in order to satisfy himself as to whether any provision of this Act or any bye-law made thereunder or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry:

Provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some bye-law made under this Act.

346[(3) Notwithstanding anything contained in this section and unless specified under this Act, the Municipal Commissioner or any authorised person on his behalf shall exercise all the powers conferred on him under this Act and under the Prevention of Food Adulteration Act, 1954 and shall also have the powers to close down the premises and

346. Added by Act No.36 of 2007.



also seize the machinery and material when there is reason to believe that an offence is committed against some bye-law made under this Act.]

Regulation of washing of clothes by washermen.

524. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose;

and when any such prohibition has been made, no person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee.

Maintenance and Regulation of Markets and Slaughter-Houses.

What to be deemed Municipal Markets and slaughter-houses.

525. All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called 'municipal markets' or 'municipal slaughter-houses'. All other markets and slaughter-houses shall be deemed to be private.

Provisions of new municipal markets and slaughter houses.

526. (1) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house

or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or



conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of the Government, without the City.

Closure and disposal of markets and Slaughter Houses.

527. The Commissioner may where the Municipal market and slaughter-houses are situate within the city, with the sanction of the Corporation, and where it is situated without the city, with the sanction of the Government at any time, close such market or slaughter-house, and may dispose the premises so closed, subject to the sanction of the Corporation, where the property is of the Corporation.

Prohibition of sale in a municipal market without licence of the Commissioner.

528. (1) No person shall without licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) It shall be lawful for the Commissioner, with the previous sanction of the Corporation by public notice from time to time, to prohibit within a distance of hundred yards of any municipal market the sale or exposure for sale of all or any of the commodities ordinarily sold in the said municipal market.

(3) Any notice issued under sub-section (2) may in like manner at any time be cancelled or modified by the Commissioner.

(4) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.



Opening of new private markets.

529. (1) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the City or in any specified portion of the city.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for the sale of animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (1). The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or languages as the Corporation may from time to time specify, on some conspicuous spot on or near the building or place where such market is to be held.

Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter house, without licence.

530. (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf,—

(a) keep open or permit to be kept open a private market;

(b) use or permit to be used any public place in the City as a slaughter-house or for the slaughtering of any animal intended for human food;

(c) use or permit to be used any place without the City whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City.



(2) The Commissioner shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 533 or with some bye-law made under this Act, at the time in force and shall not cancel or suspend any such licence without the approval of the Standing Committee.

(3) The Commissioner may with the previous approval of the Standing Committee cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein.

(4) Nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any public place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(5) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify, on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorised private markets.

531. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food.



Provision for owner, farmer requiring private market building houses to be properly paved and drained.

532. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house to cause —

(a) the whole or any portions of the floor of the market-place or slaughter-house and slaughter-building, to be paved with dressed stone or other suitable material;

(b) such drains to be made in or from the market-building, market place or slaughter-house of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations to be framed for markets and slaughter-houses.

533. The Commissioner may, with the approval of the Standing Committee, from time to time, make regulations, not inconsistent with any provision of this Act or of any bye-law made thereunder —

(a) for preventing nuisances or obstruction in any market building, market place or slaughter-house or in the approaches thereto;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use;

(c) for keeping every market-building, market place and slaughter-house in a clean and proper state, and for removing filth and refuse therefrom;

(d) requiring that any market building, market place, or slaughter-house be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market buildings, and market places, passages be provided between the stalls of sufficient width for the convenient use of the public.



Levy of Stallages, rents and fees in Municipal markets and slaughter-houses.

534. The Commissioner may —

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house such stallages, rents and fees as shall from time to time, be fixed by him, with the approval of the Standing Committee, in this behalf; or

(b) with the approval of the Standing Committee, form the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(c) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale the privilege of occupying or using any stall, shop, standing, shed or pen, in a municipal market or slaughter-house for such term and on such condition as he shall think fit to impose.

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

535. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be specified by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house:

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that specified under orders made by the Commissioner in this behalf, or which has in accordance

with any bye-law made thereunder, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (1) in respect of any animal removed to a Panjarapole shall, subject to the regulations made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjarapole authorities that such animal has been received in their charge.

Regulations and table of stallage rents to be posted up in slaughter-houses.

536. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under sections 533, 534 and 535 in such markets and language or languages which the Corporation may from time to time specify, shall be fixed in some conspicuous spot in the market building, market-place or slaughter-house.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening bye-laws or regulations.

537. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted for contravening any bye-laws made under this Act, or any regulation made under section 533, in such market or slaughter-house and may prevent such person, by himself or his servants from carrying on any trade or business in such market or slaughter-house or occupying any stall, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.



## Sale of articles of food outside Markets.

Prohibition of sale of animals, etc., except in market.

538. Except as hereinafter provided, no person, shall without a licence from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed, for sale in, a vessel in which it has been brought direct after being caught at a river or lake.

## Licensing of Butchers

Butchers and persons who sell the flesh of animals to be licenced.

539. No person shall without, or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf —

(a) carry on within the City, or at any municipal slaughter-house the trade of a butcher;

(b) use any place in the City for the sale of the flesh of any animal intended for human food, or any place without the City for the sale of such flesh for consumption in the City.

Prohibition of import of cattle, etc., into the city without

540. (1) No person shall without the written permission of the Commissioner bring into the City any cattle, sheep, goats or swine intended for human food, or the flesh of any

permission. such animal which has been slaughtered at any slaughter- house or place not maintained or licensed under this Act.

(2) Any Police Officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1).



(3) Any animal brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the Corporation.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of places of sale, etc.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act, is suspended.

541. (1) If the Commissioner shall have reason to believe that any animal intended for human food 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 the provision of this Act, the Commissioner, may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made thereunder is being contravened thereat.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

542. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or for



preparation for sale and intended for human food or for medicine resting with the party charged.

Unwholesome articles, etc., to be seized.

543. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome

or unfit for human consumption, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

Disposal of perishable articles seized under section 543.

544. If any meat, flesh, vegetable or other article of a perishable nature be seized under section 543 and the same is, in the opinion of the Commissioner diseased, unsound, unwholesome or unfit for human consumption, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non perishable nature seized under section 543.

545. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 543 shall be forthwith taken before a Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome, or



unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel of such kind or in such state as aforesaid, he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine, he shall cause the same to be destroyed at the charge of the person in whose possession it was at the same time of its seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or food containing, any such article as aforesaid.

Penalty for possessing food which appears to be unsound or unwholesome or unfit for human food.

546. In every case in which food, on being dealt with under section 545, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found not being merely bailee or carrier thereof, shall, if in any such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to rupees five hundred.

Applications for summon to be refused if not applied for within specified time.

547. In all prosecutions under section 546 the Magistrate shall refuse to issue summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a specified time from the alleged date of the offence of which such person is accused.

Slaughter of animals in slaughter houses.

347[548. (1) No person shall slaughter or procure the slaughter of any animal for human consumption in a slaughter house, otherwise than on the authority of a certificate, granted by the Veterinary Officer that the animal is fit for slaughter.

(2) The Veterinary Officer shall not grant certificate referred to in sub-section (1) if in his opinion —

347. Substituted by Hyderabad Act XLIII of 1956.



(a) the animal whether male or female —

(i) has not attained the age of 3 years and in case of sheep or goat one year; or

(ii) is useful for the purpose of draught or any kind of agricultural operation;

(b) the animal, if female, is useful for the purpose of breeding;

(c) the animal, if female, is useful for giving milk or breeding offspring.

(3) Save as otherwise provided in this Act, the opinion of the Veterinary Officer on all the questions on which he is required by sub-section (2) to form the opinion shall be final and shall not be questioned in any Court of Law.

(4) The certificate referred to in sub-section (1) shall be granted in such form and on payment of such fee as may be specified by the Corporation.

(5) Whoever does any act in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

(6) Notwithstanding anything contained in [348]the Criminal Procedure Code, 1898 (Central Act 5 of 1898), every offence punishable under sub-section (5) shall be cognizable.

348. Now see the Criminal Procedure Code, 1973 (Central Act 2 of 1974).



(7) Any certificate that the animal is fit for slaughter granted by any Veterinary Officer before the commencement of this Act and any fee realised therefor, within the limits of the City shall, notwithstanding there being no specific provision in respect thereof in principal Act, or in any other law for the time being in force, be deemed always to have been validly granted and realised as if this Act were in force on the date on which such certificate was granted or such fee was realised and shall not be questioned in any Court of Law.]

Prevention of spread of infectious diseases.

Information to be given of the existence of infectious disease or pyrexia of unknown origin.

549. Every medical practitioner who treats or becomes cognizant of the existence of any infectious disease or any case of continuous pyrexia of unknown origin of more than four days duration in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the medical officer of health. The said information shall be communicated in such form and with such details as the said medical officer of health with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of infectious disease.

550. The Commissioner may at any time, by day or by night without notice or after giving such notice of his intention as he shall think fit to shall, in the circumstances appear, to him to be reasonable, inspect any place in which any infectious disease is reputed or suspected to exist and take such measures as he shall prevent the spread of the said disease beyond

such place.

Prohibition of use of drinking of water likely to cause infectious disease.

551. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.



(2) No person shall remove or use for the purpose of drinking any water in respect of which public notice has been issued.

Commissioner may order removal of patients to hospital.

552. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified Medical Practitioner direct or cause the removal of any person who is, in the opinion of such medical officer of health or other Medical Practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from infectious disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) No person who is removed to a hospital or place under sub-section (1) shall leave, or be removed from such hospital or place except with the permission of the officer in-charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to.

553. (1) Where a magistrate, not being a magistrate of the 3rd class, is satisfied, on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from an infectious disease would not, on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.



(3) Any person who leaves a hospital contrary to an order under sub-section (1) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) An order under this rule may be directed, in the case of an order for a person's detention, to the Officer in charge of the hospital and, in the case of an order made under sub-section (3) to the Medical Officer of Health and the Officer in-charge of the hospital or institution and the Medical Officer of Health may do, or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings, etc.

554. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of part of a building, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease he may, by written notice, require the owner or occupier of such building to clean or disinfect such building or part thereof

or article therein, and if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice.

(2) Provided that, if in the opinion of the Commissioner the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

Destruction of huts and sheds, when necessary.

555. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any infectious disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.



(2) Compensation may be paid by the Commissioner, with the approval of the Standing Committee 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 the exercise of the power conferred by this section.

Place for disinfection may be provided.

556. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee in this behalf, or, in any case in which he thinks fit, free of charge.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any infectious disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

Person suffering from infectious disease not to enter a public conveyance without notifying the same.

557. (1) No person who is suffering from infectious disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.



(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation, for the loss and expenses he must incur in disinfecting such conveyance, is first of all made to him.

Provision of carriages for conveyance of patients.

558. The Commissioner with the sanction of the Corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any infectious disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provision as to carriage of persons suffering from infectious disease in public conveyances.

559. (1) No person who is suffering from an infectious disease shall —

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provisions of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as afore-said in contravention of the said sub-section.



Public conveyance in which a person suffering from infectious disease to be disinfected.

560. The owner, driver or person incharge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Duty of owner, etc., of public conveyance in regard to cases of infectious disease.

561. (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from an infectious disease.

(2) The owner or driver or any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under section 558, may refuse to convey therein any person suffering from an infectious disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(3) If a person suffering from an infectious disease is conveyed in a public conveyance, the person incharge thereof shall as soon as practicable and before permitting any other person to enter the conveyance cause the conveyance to be disinfected.

Infected articles, not to be given, lent, sell, transmit or otherwise dispose of without previous disinfection.

562. (1) No person shall, without disinfection of the same, transmitted, etc., which he knows or has reason to know has been exposed to infection from any infectious disease.

(2) Nothing in this section shall be deemed to apply to a person who transmits with proper precautions, any such articles, for the purpose of having the same disinfected.



Infected building not to be let without being first disinfected.

563. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from infectious disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the medical officer or health officer or of some duly qualified medical practitioner, as testified by such officer's or Medical practitioner's certificate.

(2) For the purpose of this section, keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Closure of lodging and eating houses.

564. The Commissioner may on being satisfied that it is in the public interest so to do, by written orders direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale being a lodging house or place in which a case of an infectious disease exists or has recently occurred shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open if the Medical Officer of Health certifies that it has been disinfected or is free from infection.

Special Sanitary Measures.

Commissioner may take special measures on outbreak of any infectious disease.

565. (1) In the event of the city being at any time visited or threatened with an outbreak of any infectious disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle, including under this expression sheep and goats, the Commissioner if he thinks the ordinary provisions of this Act and the rules thereunder or of any other law for the time being in force are insufficient for the purpose, may with the sanction of the Government —



(a) take such special measures, and

(b) by public notice make such temporary orders to be observed by the public or by any person or class of persons, as one specified therein and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (1).

Disposal of the dead

Places for disposal of dead to be registered.

566. (1) Every owner or person having the control of any place already used for burying, cremating or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the coming into force of this Act to register the same and the Commissioner shall cause the same to be registered.

(2) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.



(4) The Commissioner shall cause to be deposited in the chief municipal office at the time of registration the plan referred to in sub-section (2).

(5) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(6) Every place vesting in the Corporation used for burying, cremating or otherwise disposing of the dead shall be registered in the register kept under sub-section (3), and a plan showing the locality, extent and boundaries thereof and bearing the signature of the City Engineer shall be deposited in the chief municipal office.

Provision of new places for disposal of dead.

567. (1) If the existing places for the disposal of the dead shall at any time appear to be insufficient or if any place is closed under the provisions of section 570 the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the city and shall cause the same to be registered in the register kept under section 566 and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(2) All the provisions of this Act and the rules and bye-laws made thereunder shall apply to any place provided under sub-section (1) without the city and vesting in the Corporation as if such place were situate within the city.

New places for disposal of dead not to be opened without permission of Commissioner.

568. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who,



with the approval of the Corporation, may grant or withhold such permission.

Government may direct closing of place for disposal of dead.

569. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion,

(a) that any place of public worship, is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial ground adjacent thereto, or,

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion with the reason therefor, to the Corporation, which shall forward the same, with its opinion, for the consideration of the Government.

(2) Upon receipt of such opinion, the Government after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification published in the *Telangana Gazette and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted, in the register kept under section 566.

(3) On the expiration of two months from the date of any such order of the Government, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in such language, or languages, as the Corporation may, from time to time, specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.



Government may sanction reopening of places which have been closed for disposal of dead.

570. (1) If, after personal inspection, the Commissioner shall be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 569 or under any other law or by lapse of time become no longer injurious to health, and may without inconvenience, or risk of danger be again used for the said purpose, he may submit his said opinion with the reasons therefor to the Corporation, which shall forward the same with its opinion for the consideration of the Government.

(2) Upon receipt of such opinion, the Government after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification published as provided in section 569 direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 566.

Burials within places of worship not to be made without permission of Commissioner.

571. (1) No person shall, without the written permission of the Commissioner under sub-section (2) —

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 569;

(c) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 566;

(d) exhume any body, except under the provisions of the Code of Criminal Procedure or any other law for the time being in force, from any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid subject to such general or special orders as the Government may, from time to time, make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1898.

Central Act 5 of 1898.

Acts prohibited in connection with disposal of dead.

572. No person shall —

(a) retain a corpse on any premises, without cremating, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(c) except when no other route is available carry a corpse or part of a corpse along any street which is for the carrying corpses prohibited by a public notice issued by the Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(e) whilst conveying a corpse or part of a corpse place or leave the same on or near any street, without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner that the surface of the coffin or, when no coffin is used, of the



corpse or part of the corpse shall be at a less depth than six feet from the surface of the ground;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;

(h) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault;

(i) without the written permission of the Commissioner, reopen for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(j) after bringing or causing to be brought to a crematorium any corpse or part of a corpse fail to cremate or cause the same to be cremated within six hours from the time of the arrival thereof at such ground;

(k) when cremating or causing to be cremated any corpse or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or cremating of such corpse or part of a corpse to be removed or

to remain on or near the place of cremation without its being completely reduced to ashes.

## CHAPTER XV.

## VITAL STATISTICS.

### Registration of Births and Deaths.

Appointment of Registrars.

573. For the purpose of registering births and deaths, the Commissioner shall, from time to time divide the city into as many wards as he shall think fit; and a municipal officer shall



be registrar of births and deaths of each such ward of group of wards.

Registrars to reside in their respective wards.

574. (1) Every registrar shall reside within the ward of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the Ward of.." to be affixed in some conspicuous place at or near the outer door of his place of abode.

(2) A list showing the name and place of abode of every registrar in the city shall be kept at the Chief Municipal Office and shall be open at all reasonable times to public inspection free of charge.

Register books to be supplied.

575. The Commissioner shall provide and supply to the registrars a sufficient number of register books of births and of register books of deaths for the registration of the particulars specified in Schedules Q and R, respectively and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

Registrars to inform themselves of all births and deaths.

576. (1) Each registrar shall inform himself carefully of every birth or and death which shall happen in his ward and of the particulars concerning the same required to be registered according to the forms in the said Schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the ward to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar to the



said ward or to such other person as the Commissioner directs.

Information of birth to be given within seven days.

577. It shall be the duty of the father and mother of every child born in the city and in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 576, within seven days after such birth information of the particulars required to be registered concerning such birth:

Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

578. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of dead.

579. (1) For every place for the disposal of the dead concerning registered in the register kept under section 566 a municipal officer shall be appointed, whose duty it shall be to receive disposed of at information of the particulars required to be registered the death of every person whose corpse is such place.



(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the address where he may be found.

Information of death to be given by the nearest relatives of deceased is disposed of.

580. (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of such person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section 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 officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(2) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical Practitioner who attended a deceased person to certify the

581. (1) Where a duly qualified medical practitioner attends an ill person up to the time of his death, the said practitioner shall, within three days of such person's death sign and forward to the Commissioner a certificate of the cause of

cause of his death.

such person's death, in the form of Schedule S or in such other form as shall from time to time be determined by the



Commissioner in this behalf, and the cause of the death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) The Commissioner shall provide printed forms of the said certificates and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms, free of charge.

Preparation of register books of deaths and mortality returns, etc.

582. (1) The information concerning deaths received by every officer appointed under section 579 be entered by him in a register-sheet, which shall contain the particulars specified in Schedule R and shall be forwarded, at such intervals as shall be determined by the Commissioner, through the registrar of the ward, to the Chief Municipal Office.

(2) From the said register-sheets and from the certificates furnished to him under section 581 the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

583. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Commissioner.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting-forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death



with reference to which the error has been made or in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid no alteration shall be made in any such register.

Registration of name of child or alteration of name.

584. (1) When the birth of any child has been registered and the name, if any, by which it was registered is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned, and registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in the form of Schedule T, or as near thereto as circumstances admit, and, in the case of Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name

was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand on payment of a fee not exceeding one rupee.



## CHAPTER XVI.

## RULES & BYE-LAWS.

Power to make

349[585. (1) The Government may, by notification in the the purposes of this Act.

(2) In making any such rule, the Government may direct that a breach thereof shall be punishable with a fine which may extend to rupees five hundred and if the breach is a continuing one a further fine which may extend to rupees twenty for every day after the first day during which the breach has been made.

(3) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the *Telangana Gazette, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

Bye-laws for what purposes to be made.

586. The Corporation may from time to time make bye-laws inconsistent with this Act with respect to the following:-

(1) any matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the

349. Substituted by Act No.22 of 1981.



inspection of minute-books and the supply of copies of minutes to councillors or other persons on payment of fees or otherwise;

(2) regulating in any particular not specifically provided for in this Act the construction, maintenance, protecting flushing, cleansing and control of drains, ventilation shafts or pipes, 350[XXX], water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to or vesting in the Corporation or other persons, 350[XXX], private streets and public streets;

(3) regulating all matters and things connected with the supply and use of water;

(4) furnishing information and documents to be in connection with the layout of lands for building and private streets;

351[(5) earmarking, regulating, supervision and use of parking places, public landing places, halting places for all vehicles of any description including motor vehicles, public

and private cart stands and the levy of fees for the use of such of them as belong to the corporation;]

(6) specifying the forms of notice under sections 428 and 433 the information, documents and plans to be furnished therewith in respect of different classes of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, descriptions, structural drawing or structural calculations shall be drawn, prepared and signed;

350. Omitted by Act No.6 of 1982.

351. Substituted by Act No.10 of 1987.



(7) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrictions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 433 shall be carried out;

(8) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the material dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health either generally or with reference to the type of the structure and the use to which it is intended to be put;

(9) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public;

(10) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings;

(11) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon;

(12) the provision and maintenance of house-gullies and service passages;

(13) regulating the conditions on which frame buildings may be constructed;

(14) regulating the use of land as building sites and prescribing the minimum size of such sites either generally



or for specified areas and prescribed set-backs from the street margin for all or particular classes of buildings on specified streets or classes or streets or in specified localities;

(15) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used;

(16) regulating the number and height above the ground or above the next lower storey of the storeys of which a building may consist;

(17) specifying the form of the completion certificate required under section 455 and the manner in which and the person by whom it shall be signed and subscribed;

(18) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 460;

(19) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation;

(20) specifying the qualifications and experience of licensed surveyors, architects, engineers, structural designers and plumbers;

(21) regulating in any particular not specifically provided for in this Act conservancy and sanitation, the destruction of rodents and other vermin, preventive and remedial measures against mosquitoes, flies and other insect and pests;



(22) the control and supervision of all premises used for any of the purposes mentioned in section 521 and of all trades and manufactures carried on therein and the regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of any such premises;

(23) the inspection of milch-cattle, and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of cattle sheds and dairies;

(24) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by dairymen or milk sellers for containing milk;

(25) regulating the sale of milk in the City; the protection of milk against contamination and the prevention of the sale of contaminated milk;

(26) requiring notice to be given whenever any milch animal is affected with any contagious disease and determining the precautionary measure to be taken for protecting milch-cattle and milk against infection or contamination;

(27) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information to facilitate the taking of such measures;

(28) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(29) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city;



(30) regulating the use of any municipal market building, market place or slaughter-house or any part thereof;

(31) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the commission of cruelty to animals therein;

(32) the licensing of hand-carts, other than those exempted from taxation under section 240 and the seizure and detention of any such hand-carts that have not been duly licensed;

(33) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, and determining the precautionary measures to be taken by persons suffering from or exposed to infection from, any such disease;

(34) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community;

(35) regulating the use of any place for the skinning and cutting up of the carcasses of animals;

(36) facilitating and securing complete and accurate registration of births and deaths;

(37) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating

their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them;



(38) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;

(39) regulating trade in rags, bones, or secondhand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article;

(40) regulating the holding of fairs and industrial exhibitions in the city;

(41) regulating and prohibiting the stocking of in-flammable materials and the lighting of fires in any specified portion of the City;

(42) regulating the charges for services rendered by any municipal authority;

(43) regulating admission to, and use by members of the public of municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein;

(44) the protection of the property of the Corporation;

(45) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed;

(46) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts;

(47) regulating the appointment by owners of buildings or lands in the City who are not resident therein, of agents



residing in, or near the City to act for such owners for all or any of the purposes of this Act or the rules, or bye-laws made thereunder, and

(48) carrying out generally the provisions and intentions of this Act.

Commissioner to lay draft bye-laws before the Corporation for its consideration.

587. It shall be the duty of the Commissioner either suo motu or at the instance of the Standing Committee from time to time to lay before the Corporation for its consideration a draft of any bye-law which he shall think necessary or desirable to be made for the furtherance of any purpose of this Act.

Hearing by Corporation of objections to proposed bye-laws.

588. (1) No bye-law shall be finally approved by the Corporation, unless notice of the intention of the Corporation to take the same into their consideration has been given by advertisement in the *Telangana Gazette and in the local newspapers six weeks at least before the day of the meeting at which the Corporation finally consider such bye-law.

(2) The Corporation shall, before approving any bye-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a bye-law, on giving written notice to the Commissioner, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the Corporation thereon at the said meeting.

Bye-law to be confirmed by Government.

589. No bye-law made under section 586 shall have the force of law unless and until sanctioned by the Government and published in the *Telangana Gazette.



Printed copies of bye-laws to be kept on sale.

590. (1) The Commissioner shall cause all bye-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee fixed with the approval of the Standing Committee.

(2) Notice of the fact of copies of the bye-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(3) Boards, with the bye-laws printed thereon or with printed copies of the bye-laws affixed thereto, shall be hung or affixed in some conspicuous part of every municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting bye-laws to be open to inspection and not to be injured.

591. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

Government may modify or repeal any bye-laws.

592. (1) If it shall at any time appear to the Government that any bye-law should be modified or repealed either wholly or in part, it shall cause reasons for such opinion to be communicated to the Corporation and specify a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation



is received, after the expiry of the specified period, the Government may at any time by notification in the *Telangana Gazette, modify or repeal such bye-law either wholly or in part.

(3) The modification or repeal of a bye-law under sub-section (2) shall take effect from such date as the Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Telangana Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in the local newspapers.

Making of standing orders by Commissioner.

593. (1) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and bye-laws made thereunder in respect of the following matters namely –

(A) (a) fixing nakas for the collection of octroi [352][XXX];

(b) regulating the mode and manner in which octroi [352][XXX] shall be collected;

(c) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported;

(d) regulating the stamping, sealing or otherwise marking of imported goods;

(e) specifying the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi;

352. Omitted (and tolls) by Act No.XXXVIII of 1961.



(f) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of the City and the fees payable by persons so conveying the goods;

(g) any other matter relating to the collection of octroi which is not provided for in this Act;

(B) determining the manner in which sales of movable property attached for the non-payment of municipal dues shall be held;

(C) (a) preventing nuisance or obstruction in any market building, market place, slaughter-house or stockyard or in the approaches thereto;

(b) fixing the days and the hours on and during which any market, slaughter-house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours;

(c) prohibiting every vendor in a market from closing his shop, stall or standing to the public without lawful excuse or from withholding from sale any articles in which he normally deals;

(d) keeping every market-building, market place, slaughter-house or stock-yard in a cleanly and proper state, and removing filth and refuse therefrom;

(e) requiring that any market-building, market-place, slaughter-house or stock-yard be properly ventilated and be provided with a sufficient supply of water;



(f) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public;

(g) the marking or branding for purposes of identification of animals rejected for slaughter as discarded or unwholesome;

(h) regulating the method of slaughter at slaughter-houses;

(i) requiring the allotment in markets of separate areas for different classes of articles;

(j) generally regulating the orderly management and control of markets, slaughter-houses and stockyards.

(2) No order made by the Commissioner under clause (A) of sub-section (1) shall be valid unless it is approved by the Corporation and confirmed by the Government, and no order made by the Commissioner

under clause (B) or paragraph (e) of clause (C) of sub-section (1) shall be valid unless approved by the Corporation.

Posting of standing orders and table of stallage rents, etc.

594. A printed copy of the standing orders shall be affixed in a conspicuous place in the Chief Municipal Office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock-yard under sections 534 and 535 shall be affixed in some conspicuous spot in the market-building, market place, slaughter-house or stock-yard.

Penalty for breach of bye-laws, or standing orders.

595. In making bye-laws or standing orders, the Corporation, or the Commissioner as the case may be, may provide that for any breach thereof the offender shall on conviction-



(a) be punished with fine which may extend to rupees one hundred, and in the case of a continuing breach with fine which may extend to rupees ten for every day during which the breach continues, after conviction for the first breach;

(b) be punished with fine which may extend to rupees ten for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach;

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

## CHAPTER XVII.

## Offences and Penalties

Certain offences punishable with fine.

596. Whoever-

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the table in Schedule U or

(b) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table:

353[Provided that the fine imposed shall, in no case be less than fifty percent of the said amount.]

Explanation.— The entries in second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and

353. Added by Act No.9 of 2008.



clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Continuing offences.

597. Whoever, after having been convicted of-

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the table in Schedule V,

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table:

354[Provided that the fine imposed shall in no case be less than fifty percent of the ssaid amount.]

Explanation:— The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

354. Inserted by Act No.9 of 2008.



Offences punishable under the Indian Penal Code.

598. Whoever contravenes any provision of any of the sections or clauses of this Act herein-below in this section mentioned and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code herein below in this section respectively specified as the section of the said Code under which such person shall be punishable, namely :—

| Sections of this Act. | Sections of the Indian Penal Code under which offenders are punishable. |
|---|---|
| 355[Section 12, sub-section 6] | .. .. 176 or 177, as the case may be. |
| Section 213, sub-sections (1) and (2) and section 243 | .. .. 176 or 177, as the case may be. |
| Section 216, sub-section (3) | .. .. 177. |
| Section 514, clauses (a), (b), (c) and (d) and section 515 | .. .. 207 |
| Section 565, sub-section (1) | .. .. 188. |

355. Substituted by Act No.28 of 2005.



Electoral Offences.

Promoting enmity between classes in connection with election.

356[599. Any person who, in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings or enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.]

Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.

356[600. (1) No person shall-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematography, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of fourty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of election.]

356. Substituted by Act No.28 of 2005.



Disturbances at election meetings.

601. (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable 357[with imprisonment which may extend to six months or with fine which may extend to two thousand rupees.]

358[(1-A) An offence punishable under sub-section (1) shall be cognizable.]

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Restrictions on the printing of

358[601-A. (1) No person shall print or publish or cause to be published, any election pamphlet or poster which printed or

does not bear on its face the names and addresses of the printer and the publisher thereof. pamphlets, posters etc.

(2) No person shall print or cause to be printed any election pamphlet or poster,-

357. Substituted by Act No.28 of 2005.
358. Inserted by Act No.28 of 2005.



(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document-

(i) where it is printed in the capital of the State, to the Election Authority, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purpose of this section,-

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be constructed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.]



602. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information calculated to violate such secrecy. Maintenance of secrecy of voting.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

603. (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a Presiding or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act, other than the giving of vote, for the furtherance of the prospects of the election of a candidate. Officers, etc., at elections not to act for candidates or to influence voting.

(2) No such person as aforesaid, and no member of a police force shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting "of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.



359[(4) An offence punishable under sub-section (3) shall be cognizable.]

Prohibition of canvassing in or near polling stations.

604. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of 360[one hundred meters] of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election, or

(e) exhibiting any notice or sign, other than an official notice relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling stations.

605. (1) No person shall, on the date or dates, on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or

359. Inserted by Act No.28 of 2005.

360. Substituted by Act No.28 of 2005.



reproducing the human voice, such as a megaphone or a loud speaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and there upon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

606. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.



(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Penalty for failure to observe procedure for voting.

[361][606 A. If an elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.]

Penalty for illegal hiring or procuring of conveyance at elections.

[362][607. If any person is guilty of any such corrupt practice as is specified in sub-section (7) of section 17 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.]

Penalty for servants etc. for acting as election agent, polling agent or counting agent.

[363][607 A. If any person in the service of the State or Central Government Government or a Local Authority or a Corporation owned or controlled by the State or Central Government acts as an election agent of a candidate at an election held under this Act, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

Prohibition of going armed to or near a polling station.

607 B. (1) No person other than the Returning Officer, any Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

361. Inserted by Act No.28 of 2005.

362. Substituted by Act No.28 of 2005.

363. Sections 607 A, 607 B and 607 C inserted by Act No.28 of 2005.



(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) An offence punishable under sub-section (2) shall be cognizable.

Offence of booth capturing.

607 C. (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall

not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation:- For the purposes of this sub-section and section 617 D "booth capturing" includes, among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;



(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section (1) shall be cognizable.]

Removal of ballot papers from polling station to be an offence.

608. (1) Any person who at any election [364][unauthorisedly] takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to rupees five hundred or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police

364. Substituted by Act No.28 of 2005.



officer by presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Making false nomination declaration.

609. If a person makes in, or in connection with, any of a candidate for election or any return of election expenses, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Breach of official duty in connection with elections.

365[610. (1) If any person to whom, this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine, which may extend to five hundred rupees.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the District Election Officers, returning officers, assistant returning officers, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be constructed accordingly but shall not include duties imposed otherwise than by or under this Act.]

365. Substituted by Act No.28 of 2005.



Liquor not to be sold, given or distributed on polling day.

366[610-A. (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.]

Other offences and penalties therefor.

611. (1) A person shall be guilty of an electoral offence if at any election he-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

366. Inserted by Act No.28 of 2005.

[367][(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or]

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall

367. Substituted by Act No.28 of 2005.



not include any duty imposed otherwise than by or under this Act or the rules made thereunder.

(4) An offence punishable [368][under sub-section (2)] shall be cognizable.

Penalty for offences not otherwise provided for.

[368][612. Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for, shall, on conviction be punished with imprisonment which may extend to two years or and with fine which may extend to two thousand rupees or with both.]

Offences other than electoral offences.

Punishment for acquiring share or interest in employment with the Corporation.

613. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with by or on behalf of the Corporation, not being a share or interest such as, under clause (h) of section 22, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires directly or indirectly, any share of interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under clause (h) of section 22, 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 by section 168 of the Indian Penal Code.

Punishment of offences against section 348.

614. (1) Whoever contravenes any provision of sub-section (1) of section 348 shall be punished with imprisonment which may extend to one month, or with fine which may extend to rupees one hundred or with both.

368. Substituted by Act No.28 of 2005.



(2) When any person is convicted under sub-section (1), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished, with imprisonment which may extend to one month, or with fine which may extend to rupees one hundred or with both.

Punishment of offences against section 518.

615. Whoever contravenes any provision of section 518, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend on a first conviction to rupees one hundred and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Extent of penal responsibility of agents and trustees of owners.

616. No person, who receives the rent of any premises in any capacity described in sub-clause (a) of clause (39) of section 2, shall be liable to any penalty under this Act for omitting to do an act as the owner of such premises if he shall prove that his default was caused by his not having funds of, or due to owner sufficient to defray the cost of doing the act required.

Punishment of offences relating to Octroi.

617. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks, in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of Octroi, and any omission or misdescription in passing for exports any goods in respect of which refund of



Octroi may be claimable, shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

## 369[CHAPTER XVII-A
## ELECTION EXPENSES

Application of Chapter.

617 A. This chapter shall apply to candidates of any election held under this Act.

Accounts of election expenses.

617 B. (1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both dates inclusive (hereinafter in this chapter referred to as 'Election Expenses').

Explanation-I:- 'Election expenses' for purpose of this Act shall mean all expenses in connection with the election,-

(a) incurred, or authorized by the contesting candidate, or by his election agent;

(b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concered; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda, (which is

369. Chapters XVII-A & XVII-B inserted by Act No.28 of 2005.



distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audiovisual devises, or through print or electronic media or otherwise, shall not constitute 'election expenses' for purposes of this Act.

Explanation-II:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (9) of section 17 (1) (B) in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

Lodging of account with the District Election Authority.

617 C. Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under section 617 B.



## CHAPTER XVII B.

## APPOINTMENT OF OBSERVERS

Appointment of Observers.

617 D. (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a ward or group of wards, of a Municipal Corporation and to perform such other functions as may be entrusted to him by the State Election Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the ward or for any of the wards for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling

stations or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the State Election Commission and thereupon the State Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 59A or section 63A or section 65.

(4) It shall be competent for the State Election Commission to appoint an election expenditure observer for a group of wards of a Municipal Corporation, so as to ensure that the provisions of Chapter XVIIA are strictly adhered to and in that behalf the Commission may issue



such instructions as it deems fit, from time to time, to such Observers.]

## CHAPTER XVIII.

### Licensing of Surveyors and Plumbers.

Grant of licences to Surveyors and Plumbers.

618. (1) The Commissioner may grant to any person he thinks fit a licence to act as a surveyor [370][XXX] for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(2) If any applicant for a licence to act as a surveyor is a licentiate of Civil Engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of Civil Engineering, his application shall not be refused by the Commissioner, except with the approval of the Standing Committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

Bye-laws may be made for guidance of licensed surveyors.

619. The Bye-laws may be made from time to time for the licensed surveyors [370][XXX] and a copy of all bye-laws so made in force for the time being, on the back of every licence granted to a surveyor or plumber, respectively.

[371][620. [XXX]

621.[XXX]]

370. Omitted by Act No.6 of 1982.

371. Sections 620 & 621 omitted by Act No.6 of 1982.



## CHAPTER XIX.

## PROCEDURE.

### Licences and Permissions.

Licences and written permission etc., on which they are granted.

622. (1) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 119 to grant the same.

Fees to be chargeable.

(2) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.

Licences and written permission may be revoked, etc.

(3) Subject to the provisions of sub-sections (2) and (3) of section 530, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any bye-law made hereunder in any matter to which such licence or permission relates.

Power to order discontinuance of the use of premises for unlicenced trades.

(4) (a) If any premises are used without obtaining a licence for any of the purposes specified in Schedules or having obtained a licence is being used in contravention of the terms of such licence or is continued to be used after the licence thereof has been suspended or revoked by the Commissioner, the Commissioner may at any time by written notice require that the same shall be discontinued by the person so using it.

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(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person or owner, as the case may be, any officer authorised by the Commissioner in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Commissioner produce such licence or written permission.

(6) Every application for a licence or permission shall be addressed to the Commissioner.

(7) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not by itself entitle the person paying the fee to the licence or permission.

Licence required for dealing in dairy products.

623. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) carry on within the City the business of a dairyman,

(b) use any place in the City as a dairy or for the sale of any dairy produce.



Licence for sale in public places.

624. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article whatsoever whether it be for human consumption or not.

Licence for use of skill in handicraft or rendering services for purposes of gain in public place or street.

625. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain use any public street for the purpose of using his skill in any handicraft or in rendering service to and for the convenience of the public.

## Public Notices and Advertisements.

Public notices how to be made known.

626. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner or of a municipal officer empowered under section 119 to give the same and shall be given wide publicity in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in the local newspapers or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

627. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted, if practicable, in at least two newspapers, in such language or languages as the Corporation may from time to time specify in this behalf, published in the City.

Consent etc., of Commissioner, may be proved by written document under his signature.

628. Whenever under this Act the doing or the committing to do anything or the validity or anything depends upon the consent, approval, declaration, opinion or satisfaction of the



Commissioner or of a Deputy Commissioner or any municipal officer, a written document signed by the Commissioner or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

## Service of Notices, etc.

Notice, etc., by whom to be served or presented.

629. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or bye-law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by municipal officers or servants or by other persons authorised by the Commissioner in this behalf.

Service how to be effected on such owners of premises and other persons.

630. When any notice, bill, schedule, summons or other documents is required by this Act, or by any regulation or bye-law made under this Act, to be served upon or issued or presented to any person such service, issue or presentation shall except in the cases otherwise expressly provided for in section 657 be effected —

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other documents; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city or by giving or tendering the same to some adult male member or servant of his family; or

(c) if such person does not reside in the City, and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other



documents to him by post under cover bearing the said addresses; or

(d) if none of the means of aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on owner or occupier of premises how to be effected.

631. When any notice, bill, schedule, summons other such document is required by this Act, or by any regulation or bye-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely:—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(b) if the owner or occupier or no one of the owners or occupiers is found by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

632. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.



Service of bills for taxes by post.

633. Notwithstanding anything contained in sections 629, 630 and 631 a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting, addressed to such person at his last known

abode or place of business in the City and every bill so sent shall be deemed to have been served on the day following the day upon which letter was posted and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

634. (1) Every licence, written permission, notice bill, Signature on

schedule, summons or other document required by this Act or rule or bye-law made thereunder to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon. notices, etc., may be stamped.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 171.

635. (1) The Commissioner may, in order to facilitate the presentation, or giving of any notice, bill, Power of Commissioner to service, issue,

schedule, summons or other such document upon or to any person, by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

call for information as to ownership of premises.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same and to give true information to best of his knowledge and belief.



## Unauthorised Works.

Work or thing done without written permission of the Commissioner to be deemed unauthorised.

636. (1) If any work or thing requiring the written permission of the Commissioner under any provision of this Act or any rule, regulation or bye-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the Commissioner, such work or thing shall be deemed to be unauthorised and subject to any other provision of this Act the Commissioner may at any time, by written notice, require that the same shall be removed, pulled down or undone as the case may be, by the person so carrying out or doing if the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Commissioner.

(2) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the Commissioner may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner as the case may be.

## Power of Entry.

Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

637. The Commissioner or any other officer authorised by him in this behalf may enter into or upon any building or land, with or without assistants or workmen in order to make inspection or survey or to execute any work which is authorised by this Act or by any regulation or bye-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such regulation or bye-law, to make or execute:



Provided that—

(a) except when it is in this Act otherwise expressly provided no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than

twenty-four hours previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Power to summon witnesses.

638. The Commissioner shall have the power of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Commissioner to furnish any information shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860.

Central Act 45 of 1860.



Enforcement of orders to execute works, etc.

Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

639. (1) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer, empowered under section 119 in his behalf, under any section, sub-section or clause of this Act, mentioned in sub-section (2), a reasonable period shall be specified in such notice for carrying such requisition or order into effect, and if, within the period so specified, such requisition or order or any portion of such requisition or order is not complied with, Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(2) The sections, sub-sections and clauses of this Act referred to in sub-section (1) are the following, namely:—

| | | |
|---|---|---|
| Section | 300, | sub-section (5). |
| ,, | 302 | |
| ,, | 303 | |
| ,, | 305, | sub-section (1), clause (b). |
| ,, | 316, | ,, (2). |
| ,, | 322, | ,, (1). |
| ,, | 325 | |
| ,, | 335 | |

| | | | |
|---|---|---|---|
| | ,, | 352, | sub-section (2). |
| | ,, | 353, | ,, (5). |
| | ,, | 354, | ,, (3). |



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(3) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses by removals by the Commissioner under sections 405, 413, 456 and 504.

640. (1) The expenses incurred by the Commissioner in effecting any removal under section 405 or sub-section (3) of section 413 or in the event of a written notice issued under section 406 or section 456 or 504 not being complied with under section 639, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(2) But if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or other-wise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit if perishable, forthwith and if other than perishable, as soon as conveniently may be after one month from the date of their removal whether the



expenses of the removal have in the mean time been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and if necessary of the removal, be paid to the credit of the Municipal fund, and shall be the property of the Corporation.

Recovery of expenses by the Commissioner.

Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property tax.

641. (1) (a) Whenever under this Act, or any rules or bye-law made thereunder, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 119 in this behalf are payable by any person, the same shall be payable on demand.

(b) If not paid on demand the said expenses shall be recoverable by the Commissioner subject to the provisions of sub-section (2) of section 650 by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

(2) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with some building or land or of some

measure taken with respect to some building or land or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (2) of section 496 and the defaulter is the owner of such building or land or of the premises referred to in sub-section (2) of section 496, as the case may be, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building, land or premises under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said



person, as if the amount thereof were a property-tax due by him:

Provided as follows, namely—

(i) unless the said person neglects or refuses, at the request of the Commissioner truly to disclose the amount of the rent payable by him in respect of the said building, land or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum than, up to the time of demand, is payable by him to the owner on account of rent of the said building, land or premises; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(ii) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(iii) nothing in this section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

(3) Instead of recovering any such expenses as aforesaid in any manner hereinafter provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in installments of such amounts and at such intervals as will secure the payment of the whole amount due with interest thereon, at such rate not exceeding nine per centum per annum as the Standing Committee may fix from time to time, within a period of not more than five years.



What expenses may be declared to be improvement expenses.

642. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections-clause (c) of 296, 300, 302, clause (b) of sub-section (1) of 305, sub-section (1) of 323, 335, 353, clause (a) of sub-section (3) of 354,394, sub-section (1) of 453, 495, 504 and 532, the Commissioner may, if he thinks fit and with the approval of the Corporation, declare such expenses to be improvement expenses and on such declaration being made, such expenses together with interest thereon payable under section 643, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred.

Improvement expenses by whom payable.

643. (1) Improvement expenses shall be recoverable in installment of such amount not being less for any premises than twelve rupees per annum and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as

the Commissioner, with approval of the Corporation, may in each case determine.

(2) The said installments shall be payable by the occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises so long as the same continue to be unoccupied.

Proportion of expenses improvement expenses may be deducted from rent.

(3) Where the occupier by whom any improvement together with interest thereon are paid holds the premises on which the expenses together with interest thereon are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from the rent payable by him to his landlord, and,



if he holds at a rent less than the rack-rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the rack-rent.

(4) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired otherwise, he may deduct from the rent so payable by him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord holding for a term of which less than twenty years is unexpired of the same premises both receiving and liable to pay rent in respect thereof:

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

644. At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of installments due under sections 641 and 643.

645. Any installment payable under sub-section (3) of section 641 or section 643, which is not paid when the same becomes due may be recovered by the Commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property tax due by the said person.



In default of owner the occupier of any premises may execute required work and recover

646. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses

incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

expenses from the owner.

647. No person who receives the rent of any premises in any capacity described in paras (i), (ii) and (iii) of sub-clause (a) of clause (39) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he has sufficient funds of or due to the owner to pay for the same.

Limitation of liability of agent or trustee of owner.

Payment of Compensation.

648. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the previous approval of the Standing Committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner or in any municipal officer or servant.

Compensation for damages may be paid by the Commissioner.

649. (1) If, on account of any act or ommission any person has been convicted of an offence against any rule or bye-law made thereunder, and, by reason of the same act or ommission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

Compensation to be paid by offenders against this Act for any damage caused by them.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he 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 inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

In cases falling under section 641 disputes to be determined by the Judge.

650. (1) If, when the Commissioner demands payment of any expenses under section 641 his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section, 422 the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Judge.

(2) Pending the Judge's decision the Commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Judge.

651. If, in any case not falling under section 641, any person is required by this Act, or by any rule or bye-law framed under this Act, 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, except as is otherwise provided in sections 650 and 667, by the Judge of the Small Causes Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Judge to be recovered, if necessary, as if they were due under a decree of the Court.

652. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it



shall be recoverable as if the same were due under a decree of the Court.

Persons liable for expenses or compensation may be sued for recovery thereof.

653. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

## CHAPTER XX.

## APPEALS FROM CERTAIN ORDERS

### Appeals to the Judge.

Appeals to the Judge.

654. Appeal shall lie to the Judge against the orders of the Commissioner in the following cases, namely—

(1) an order refusing to empty private drains into a municipal drain under section 297;

(2) an order enforcing drainage of undrained premises under sections 302 and 303;

(3) an order declining to remove a shaft or pipe under section 317;

(4) an order requiring a building to be set forward under section 386;

(5) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous under section 422;



(6) an order requiring a dangerous structure to be pulled down, secured or removed under section 456;

(7) an order requiring a tree to be secured, lopped or cut down under section 457;

(8) an order requiring a tank, pond, well, hole-stream, dam or bank to be filled, removed, repaired, protected or enclosed under section 458;

(9) an order requiring any building to be vacated under section 462;

(10) an order directing the demolition of building under sections 498 and 499;

(11) an order requiring the removal of a hut or shed under section 502;

(12) an order requiring certain works to be carried out in the wall and floors of a building under section 503;

(13) an order requiring certain measure to be taken for filling up of pools, etc., under section 504;

(14) an order requiring any private water source to be repaired, cleansed or protected under section 506:

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

Appeals against demolition orders.

655. (1) On an appeal being made against a demolition order made under section 498 or 499, the Judge may make such order either confirming, quashing or varying the order as he thinks fit and he may, if he thinks fit, accept from an appellant any such undertaking as might have been



accepted by the Commissioner, and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 498 or 499.

(2) An appeal shall lie to the High Court from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds rupees two thousand.

(3) A decision passed by the Judge under this section if an appeal does not lie therefrom under sub-section (2), or if no appeal is filed, and the decision of the High Court, in appeal, if an appeal is filed, shall be final.

(4) Any order against which an appeal might be brought under sub-section (1) shall, if no such appeal is brought, become operative on the expiration of a period of thirty days from the date of such order and shall be final and conclusive as to any matters which could have been raised on such an appeal and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge or the High Court under sub-section (2) as the case may be become operative as from the date of the final determination of the appeal.

(5) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been



brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Judge is given.

Appeals against decision of the Judge regarding payment of

656. An appeal shall lie to the High Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect

expenses for works executed.

of which the decision is given exceeds rupees two thousand:

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and the decision of the High Court in such appeal if an appeal is filed, shall be final.

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined by the Judge to be due pending the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

Proceeding before the Judge.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

657. (1) If the owner of any building or land is prevented by the occupier thereof from complying with provision of this Act or of any bye-law made thereunder or with any requisition made under this Act, or bye-law in respect of such building or land, the owner may apply to the Judge.

(2) The Judge on receipt of any such application may make written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for



complying with the said provision or requisition may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be specified in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with said provision or requisition.

(4) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

Power to summon witnesses and compel production of documents.

658. (1) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Causes Court by the [372][the Telangana Small Causes Court Act, 1330 F.] and in all matters relating to any such inquiry or proceeding the said Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Act VI of 1330 F.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that

he has been duly summoned for this purpose, the said Judge may hear and determine the case in his absence.

372. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.



(3) The costs of every such inquiry or proceeding as determined by the said Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Court:

Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 642, the amount of the costs directed by the said Judge to be paid by the owner or occupier of the premises in respect, or for the benefit, of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner provided in section 643.

Fees in proceedings before the Judge.

659. (1) The Government may, from time to time by notification in the *Telangana Gazette, determine what fee, if any, shall be paid-

(a) on any application or appeal made under this Act to the Judge; and

(b) previous to the issue, in any inquiry or proceeding of the said Judge under this Act, of any summons or other process:

Provided that the fees, if any, determined 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 at the time being levied, under the provisions of the 373[the Telangana Small Causes Court Act, 1330 F.] in cases in which the value of the claim or subject matter is of like amount.

Act VI of 1330 F.

373. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.



(2) The Government may from time to time by a like notification determine by what person any fee determined under clause (a) shall be payable.

(3) No application or appeal shall be admitted by the said Judge, until the fee, if any, prescribed therefor under clause (a), has been paid.

Exemption of poor persons from fees.

660. The Judge may, whenever he thinks fit, receive an application or appeal made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees determined under section 659.

Repayment of half fees on settlement before hearing.

661. Whenever any application or appeal under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Judge to the parties by whom the same have been respectively paid.

Authority to Judge to delegate certain powers.

662. The Judge may—

(a) delegate, either generally or specially to any other judge of the said Court, power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such

applications, appeals and reference, except the hearing and adjudication thereof;

(b) if for any reason, it shall be necessary so to do, delegate to any other Judge of the said Court the hearing and adjudication of the said application.

Proceeding before Magistrate.

Cognizance of offences.

663. All offences against this Act, or against any rule or bye-law made thereunder, whether committed within or without the city shall be cognizable by a Magistrate appointed under



section 664 or until such appointment by a First Class Magistrate having jurisdiction in the city and no such Magistrate shall be deemed to be incapable of taking congnizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any Municipal Tax or of his being benefitted by the Municipal fund.

Appointment of a Magistrate of the First Class.

664. (1) The Government may with the consent of the Corporation create one or more posts of Magistrates and invest them with the powers of First Class Magistrate for the trial of offences against this Act, or against any rule, regulation or bye-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the Court of any such Magistrate as it may think necessary.

(2) Such Magistrate or Magistrates and their establishment shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the Government.

(3) The amounts of the salary and other allowances as fixed under sub-section (2) together with all other incidental charges shall be reimbursed to the Government by the Corporation, who shall also pay to the Government such contribution towards the pension, leave and other allowance of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the Government:

Provided that the Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the Government annually, on such date as may be fixed by the Government in this behalf, such fixed sum as may be determined by the Government in this behalf.



Limitation of time within which complaints of offences punishable under this Act shall be entertained.

665. No person shall be liable to punishment for any offence punishable by this Act, unless complaint of such offence is made before a Magistrate within the time hereinafter fixed in that behalf, namely —

(a) if the offence be against the provisions of section 213, within six months next after the commission of such offence;

(b) if the offence be against the provisions of sections 299, 313, 337, 352 (1), 353 (5), 354 (3), (a), (b), 363, 366, 371 (1), (2), or 516 or any bye-laws made under section 586, within three months next after the commission or discovery of such offence;

(c) if the offence be against any other provision of this Act, within three months next after the commission of such offence.

Power of Magistrate to hear cases in absence of accused.

666. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, or bye-law made thereunder fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown for the non-appearance of such person the Magistrate may hear and determine the case in his absence.

Complaint to a Magistrate concerning nuisance.

667. (1) Any person who resides in the city may complain to a Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 294, 317, 319, 320 or 482 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate after making such inquiry as he thinks necessary, may if he sees fit, direct the Commissioner—



(a) to put in force any of the provisions of this Act or to take such measures as to such Magistrate as shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation, for the complainant's loss of time in prosecuting such complaint.

(3) It shall be incumbent on the Commissioner to obey every such order.

(4) Nothing contained in this Act shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 294, 317, 319, 320 or 482 to recover damages for the same.

Appeal to the Court of Session from order passed under section 667.

668. (1) An appeal shall lie to the Court of Session from an order passed by a Magistrate under section 667 within thirty days of the date thereof.

(2) The said Court may, when disposing of an appeal under sub-section (1), direct by whom and in what proportions, if any, the costs of the appeal are to be paid, and costs so directed to be paid may, on application, to a Magistrate of the First Class having jurisdiction in the city, be recovered by him, in accordance with the direction of the said Court, as if they were a fine imposed by himself.

(3) When an appeal has been preferred to the said Court under this section, the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forthwith give effect to the order passed in such appeal by the said Court,



or, if the order of the Magistrate has not been disturbed by the said Court, then to his order.

## Arrest of offenders

Offenders against this Act may in certain cases be arrested by Police Officers.

669. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or bye-law made under this Act, if the name and address of such person be unknown to him and if 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 address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most twenty-four hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

## Miscellaneous.

Code of Civil Procedure to apply.

670. (1) Save as expressly provided by this Chapter, the provisions of the Code of Civil Procedure, 1908 relating to appeals from original decrees shall apply to appeals to the Judge from the orders of the Commissioner and the provision of the said Code relating to appeals from Appellate Decrees shall apply to appeals to the High Court.

(2) All other matters for which no specific provision has been made under this Act shall be governed by such rules as the Government may from time to time make after consultation with the High Court.

Assessment etc. not to be questioned.

374[670A. (1) No assessment or demand made, and no charge imposed under the authority of this Act shall be questioned or effected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person or (b) in the description of any property or thing or (c) in respect of the amount assessed, demanded or charged; provided, that the provisions of this Act have been, in substance and effect, complied with; and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court:

Provided that the person or property so assessed or charged is reasonably ascertainable.

(2) Notwithstanding anything contained in sub-section (1), no suit shall be entertained by any court of law unless the assessee pays fifty percent of the tax levied and demanded.]

374. Added by Act No.3 of 1994.



Limitation.

671. (1) In computing the period of limitation fixed for an appeal or application referred to in this Act the provisions of sections 5, 12, and 13 of 375the Indian Limitation Act, 1908 shall so far as may be, apply.

(2) When no time is fixed by this Act for the presentation of an appeal or application such appeal or application shall be presented within thirty days from the date of the order in respect of or against which the appeal, or application is presented.

Execution of orders of the Judge and the High Court.

672. (1) All orders of the Judge shall be executed in the same manner as if they were decrees of the Court of Small Causes passed under [376][the Telangana Small Causes Court Act VI of 1330 F.] Act, 1330 F.]

375. Since repealed by Central Act 36 of 1963.

376. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.



(2) All orders of the High Court shall be executed as if they were decrees of the High Court.

Application of Criminal Procedure Code.

673. The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to all matters investigated, inquired into, tried, appealed against and otherwise dealt with under this Act before Magistrates.

Oath of allegiance to be taken by [378][Member].

[377][673-A. (1) Every person who is elected to be a [378][Member] shall, before taking his seat, make at a meeting of the corporation an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:-

"I, … having become a [378][Member] of the Corporation swear in the name of the God/solemnly affirm, that I will bear the true faith and allegiance to the Constitution of India as by Law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any such [378][Member] who fails to make, within three months from the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1), shall cease to hold office and his seat shall be deemed to have become vacant.

(3) No such [378][Member] shall take his seat at a meeting of the Corporation or do any act as such [378][Member] unless he has made the oath or affirmation as laid down in this section.

(4) Where a person ceases to hold office under sub-section (2) the Commissioner shall report the same to the Corporation at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a [379][Member] under that sub-section the Corporation may grant him further time which shall not be less than three months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing sub-sections, continue to hold the office.]

377. Inserted by Act No.17 of 1994.

378. Substituted by Act No.25 of 1995 and again substituted by Act No.14 of 2008.



Legal Proceedings.

Provisions respecting Institution, etc., of Civil and Criminal actions and

674. The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

obtaining legal advice.

(i) any offence against this Act;

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(b) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(c) defend any election petition brought under section 7;

(d) defend, admit or compromise any appeal against a rateable value or tax brought under section 282;

379. Substituted by Act No.25 of 1995 and again substituted by Act No.14 of 2008.



(e) take, withdraw from, or compromise proceedings under sections 649 (2), 650,651 and 652 for the recovery of expenses or compensation claimed to be due to the Corporation;

(f) withdraw or compromise any claim for a sum not exceeding rupees five hundred against any person in respect of penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee any such claim for any sum exceeding rupees five hundred;

(g) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a Deputy Commissioner or a Municipal Officer or servant in respect of any thing done or omitted to be done by them respectively, in their official capacity;

(h) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or Municipal Officer or servant, in respect of anything done or omitted to be done as aforesaid;

(i) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Corporation or of the Commissioner;

(j) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain for any of the purposes mentioned in the foregoing clauses of the section or for securing the lawful exercise or discharge of any power, or duty vesting in



or imposed upon any Municipal Authority or any Municipal Officer or servant:

Provided that the Commissioner shall not defend any suit or legal proceedings under clause (g) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

## CHAPTER XXI.
## CONTROL.

Government's power to call for records.

675. The Government may at anytime require the Corporation or Commissioner—

(a) to produce any extract from any proceedings of the Corporation, the Standing Committee or any other Committee constituted under this Act, record, correspondence, plan or other document;

(b) to furnish any return, plan, estimate, statement of account or statistics;

(c) to furnish or obtain any report; and the Corporation or the Commissioner as the case may be, shall furnish the same without unreasonable delay.

Government's power to cause inspection to be made.

676. The Government may depute any officer to inspect or examine any Municipal Department, Office, service, work or thing and to report thereon and any officer so deputed may for the purposes of such inspection or examination exercise all the powers conferred by section 675.

Government's power to require the performance of duties.

677. If on receipt of any information or report obtained under section 675 or 676 or otherwise, the Government is of opinion-



(a) that any duty imposed on any Municipal Authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty,

the Government may by an order direct the Corporation or Commissioner within a period to be specified in the order to make arrangements for the proper performance of the duty or to make financial provision for the performance of the duty, as the case may be, to the satisfaction of Government:

Provided that unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall before making an order under this section give the Corporation an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default.

678. (1) If within the period fixed by an order issued under section 677 any action directed under that section has not been duly taken, the Government may by order—

(a) appoint some person to take action so directed;

(b) fix the remuneration to be paid to him; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as

are necessary, may exercise any of the powers conferred on any Municipal Authority by or under this Act and specified in this behalf in



the order issued under sub-section (1) and shall be entitled to protection under this Act as if he were a Municipal Authority.

(3) The Government may direct by notification that any sum of money which may in its opinion be required for giving effect to the orders so issued be borrowed by debenture on the security of all or any of the said taxes at such rate of interests and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 149 to 168 shall as far as may be, apply to any loan raised in pursuance of this section.

Power of revision.

679. (1) The Government may at any time for the purposes of satisfying itself as to the correctness, legality, propriety or regularity of any proceeding of or order passed by the Commissioner or any Officer subordinate to him call for and examine the record and pass such orders with reference thereto as it thinks fit.

(2) (a) Where the Government is of opinion that the execution of any resolution or order passed by the Corporation 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 powers conferred by this Act or of any law for the time being in force or is likely to lead to a breach of peace it may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act:

Provided that before suspending such resolution under this Clause the Government shall communicate to the Corporation the grounds on which it proposes so to do, fix a reasonable period for the Corporation to show cause



against the proposal and consider its explanation and objection, if any;

(b) A copy of such order shall forthwith be sent to the Corporation by the Government;

(c) The Government may at any time on representation by Corporation or otherwise revise, modify or revoke any order passed under clause (a).

Government's power to cancel or suspend resolutions, etc.

380[679-A. (1) The Government may, either suo motu or on representation of any councillor, the Mayor or the Commissioner, by order, in writing-

(i) cancel any resolution passed, order issued, or licence or permission granted; or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this Act, if in their opinion-

(a) such resolution, order, licence, permission or act has not been passed, issued, granted or authorized in accordance with law;

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other enactment; or

(c) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause

financial loss to the Corporation, danger to human life, health or safety or is likely to lead to a riot or breach of peace or is against public interest:

380. Sections 679-A to 679-D inserted by Act No.33 of 1986.



Provided that the Government shall before taking action under this section on any of the grounds referred to in clauses (a) and (b), give the authority or person concerned an opportunity for explanation:

Provided further that nothing in this sub-section shall enable the Government to set aside any election which has been held.

(2) if, in the opinion of the Government, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1), they may suspend the resolution, order, licence, permission or act, as the case may be, for such period as they think fit pending the exercise of their power under sub-section (1).

Government's power to suspend Mayor or Deputy Mayor or Member.

381[679-AA. (1) The Government may, either suo motu or on a representation of a Mayor or Deputy Mayor or Member or Commissioner or employee of the Municipal Corporation, by notification, in the *Telangana Gazette, suspend the Mayor or the Deputy Mayor or a Member, who in their opinion wilfully misbehaved or manhandled any other Member or Officer or employee of the Corporation or destroyed the property of the Corporation or used unparliamentary language or abused his position in the course of meetings of the Corporation or during the discharge of any duty vesting upon the Mayor or Deputy Mayor or any Member or Officer or employee, so as to lead to a situation in which the Municipal Administration cannot be carried on in accordance with the provisions of this Act or the financial stability of the council is threatened.

(2) The Government shall before taking action under sub-section (1) give the Mayor or the Deputy Mayor or the Member concerned an opportunity for explanation, and the notification issued under the said sub-section (1) shall

381. Section 679-AA inserted by Act No.13 of 1999.



contain a statement of the reasons for the action taken by the Government.

(3) The Government may, suo-motu, or on an application made by the Mayor or the Deputy Mayor or the Member revoke the order of suspensation issued under sub-section (1).]

Government's power to remove Mayor or Deputy Mayor.

679-B. (1) The Government may, by notification in the *Telangana Gazette, remove the Mayor or the Deputy Mayor who, in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses his position or the powers vested in him.

(2) the Government shall, when they propose to remove the Mayor or the Deputy Mayor under sub-section (1), give the Mayor or the Deputy Mayor concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the office of Mayor or from the Office of Deputy Mayor shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary elections to the Corporation is published in the prescribed manner.

382[679-C. [XXX]]

Government's power to dissolve the Corporation.

679-D. (1) If, in the opinion of the Government, the Corporation is not competent to perform or persistently makes default in performing the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its position or powers or a situation exists in which the municipal administration cannot be

382. Omitted by Act No.17 of 1994.



carried on in accordance with the provisions of this Act or the financial stability or credit of the Corporation is threatened, the Government may, by notification in the *Telangana Gazette, direct that the Corporation be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date not later than 383[six months] from the date of dissolution; and the notification shall be laid before the Legislative Assembly of the State.

384[(2) [XXX]]

(3) For purposes of reconstitution of a dissolved Corporation under this section, the vacancies in the office of all the elected councillors shall be deemed to be 383[casual vacancies].

(4) Before publishing a notification under sub-section (1), the Government shall communicate to the Corporation the grounds on which they propose to do so fix a reasonable period for the Corporation to show cause against the proposal and consider its explanation or objections, if any 385[and the Mayor of the Corporation shall also be given a reasonable opportunity of being heard.]

386[XXX]

(5) On the date fixed for the dissolution of the Corporation under sub-section (1), all its #[members] including ex-officio #[members] as well as its Mayor, Deputy Mayor shall forthwith deemed to have vacated their offices as such.

383. Substituted by Act No.17 of 1994.

384. Omitted by Act No.17 of 1994.

385. Added by Act No.17 of 1994.

386. "Proviso" omitted by Act No.17 of 1994.



(6) During the interval between the dissolution and the reconstitution of the Corporation, all or any of the powers and functions of the Corporation and of its Mayor and of the Standing Committee may be exercised and performed as far as may be, and to such extent as the Government may determine, by such person as the Government may appoint in that behalf, and any person who is not a District Collector or Revenue Divisional Officer may, if the Government so direct, receive payment for his services from the municipal fund ; the Government may determine the relations of such person with the District Controlling Officers and with themselves and the Government may direct the Commissioner to exercise and perform any powers and duties under this Act in addition to his own.

387[(7) The Members including the ex-officio members of the reconstituted Corporation shall enter upon their office on the date fixed for its reconstitution and the term of office of the elected members shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been dissolved.]

(8) The Government may reconstitute the Corporation before the expiry of the period notified under sub-section (1) or sub-section (2):

388[Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any elections under this clause.]

(9) When the Corporation is dissolved under this section, the Government, until the date of the reconstitution thereof, and the reconstituted Corporation thereafter, shall be entitled to all the assets and be subject to all the liabilities

387. Substituted by Act No.17 of 1994.
388. Added by Act No.17 of 1994.



of the Corporation as on the date of the dissolution and on the date of the reconstitution respectively.

Power to give directions.

389[679-E. The Government may from time to time give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the Corporations as it may consider necessary for carrying out the purposes of this Act.].

Power to transfer functions of the Corporation to the *Telangana Industrial Infrastructure Corporation.

390[679-F. Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to the Municipal Corporations, the Government may, in consultation with the Corporation and also the *Telangana Industrial Infrastructure Corporation, by notification in the *Telangana Gazette, and subject to such restrictions and conditions including those relating to the remittance of such percentage of the property tax to the Corporation and to such control and revision as may be specified therein direct that any power or function vested in the Corporation by or under this Act shall be transferred to and exercised and performed by the *Telangana Industrial Infrastructure Corporation.]

## CHAPTER XXII.

## Supplemental Provisions.

#[Members], etc., to be deemed to be public servants.

680. The Commissioner and Deputy Commissioner and every #[member] and every officer or servant appointed under this Act and every person appointed to make a valuation under sub-section (1) of section 285, and every contractor or agent for the collection of any Municipal Tax and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

389. Inserted by Act No.20 of 1989.
390. Inserted by Act No.3 of 1994.



Co-operation of Police.

681. (1) The Commissioner of Police shall, as far as may be, co-operate, by himself and through his subordinates, with

the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city.

(2) It shall be the duty of every Police officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or bye-law made under this Act, and to assist the Commissioner, or any Municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such Municipal officer or servant under this Act.

Assistance for the recovery of rent on land.

682. For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 72 and 73 of [391][the Telangana Land Revenue Act, 1317 F.] and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said section a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder.

Act VIII of 1317 F.

Measurement of distances.

683. The distance mentioned in this Act shall be measured in a straight line on a horizontal plane.

Informalities and errors in assessments, etc., not to be deemed to thereunder, may invalidate such assessment, etc.

684. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any rule or bye-law made at any time, as far as possible be rectified.

391. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.



(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the rules and bye-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Protection of persons acting under this Act against suits.

685. (1) No suit shall be instituted against the Corporation or against the Commissioner or a Deputy Commissioner or against any officer or servant, appointed under this Act, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act —

(a) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the Chief Municipal Office and in the case of the Commissioner or of a Deputy Commissioner or of a Municipal Officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; or

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;



(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(3) Where the defendant in any such suit is a Municipal Officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee from the Municipal Fund.

Savings in respect of certain provisions of [392][the Telangana Land Revenue Act, 1317 F.]

686. Notwithstanding the provisions of sections 50, 57, 61 and 62 of [392][the Telangana Land Revenue Act, 1317 F.]—

(i) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act, shall not be prohibited;

Act VIII of 1317 F.

(ii) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and bye-laws to entitle such occupant to permission under section 61 of the said Land Revenue Act subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

Construction of references in other Acts.

[393][686-A. Any reference to the Hyderabad Municipal Corporations Act, 1955 in any law for the time being in force in the State of *Telangana shall be construed to be a reference to the Greater Hyderabad Municipal Corporation Act, 1955.]

392. Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016. 393. Added by Act No.13 of 2008.



[394][Chapter XXII-A

Disclosure of information to the general public.

686-A. (1) The Corporation shall maintain and publish all its records duly catalogued and indexed in a manner and form which facilities the municipal authority to disclose the required information at quarterly, half yearly, yearly intervals to the public in such manner as may be prescribed.

(2) The manner of disclosure of information to general public and other stakeholders shall be,-

(i) by publishing important information through news papers;

(ii) through internet;

(iii) by placing the information through the notice boards of the Corporation;

(iv) by placing the information through the notice boards of the Ward Committee Offices;

(v) through printed material; and

(vi) any other mode as may be prescribed.

(3) The following information shall be disclosed by the Municipal Corporation, namely:-

(i) basic particulars of the Corporation;

(ii) statement showing the composition of the Corporation;

(iii) mode of accessibility of the minutes of the meeting of the Corporation;

394. Chapter XXII-A inserted by Act No.7 of 2008.



(iv) directory containing the designations of officers and employees;

(v) particulars of officers who are competent to grant concessions, permissions, permits and authorizations for each branch of activity relating to Corporation;

(vi) particulars of officers responsible for delivery of various services and their contact phone numbers;

(vii) financial statements of balance sheet, income and expenditure and cash flow on a quarterly basis within two months of the end of each quarter;

(viii) statutority audited financial statements of the financial year within six months of the end of the financial year;

(ix) service levels being provided for each of the services, namely, water supply, drainage, sewerage, solid waste management, roads, parks and play grounds, street lights by the Corporation;

(x) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed;

(xi) details of subsidy programmes and the manner and criteria of identification of beneficiaries for such programmes;

(xii) list of beneficiaries of all welfare and subsidy programmes;

(xiii) particulars of Master Plan, Development Plan or any other plan concerning the development of Corporation area;



(xiv) particulars of major works together with information on the value of works, time of completion and details of contracts;

(xv) details of Corporation funds,-

(a) income generated in the previous year from taxes and non-taxes, i.e., water charges, rents from Corporation buildings, fees from markets and slaughter houses, fees from various categories of licences, building permit fee, betterment charges, other town planning receipts, encroachment fee, parking fee and other miscellaneous items;

(b) taxes and non-taxes remained uncollected during the previous year and the reasons therefor;

(c) list of defaulters who have arrears of property tax exceeding one lakh of rupees per annum;

(d) assigned revenues transferred from State Government, i.e., entertainment tax surcharge on stamp duty and profession tax during the previous year;

(e) plan and non-plan grants released by Government during the previous year;

(f) grants released by Government for implementation of schemes, projects and programmes, assigned or entrusted to the Corporation, the nature and extent of utilization during the previous year;

(g) money raised through donations or contributions from the public during the previous year;

(h) annual budget;



(i) budget allocations made during the year for the welfare of Scheduled Castes, Scheduled Tribes, Women and Children together with the extent of utilization in the previous year;

(j) budget allocation made during the year for the slum areas together with the extent of utilization in the previous year;

(k) such other information, as may be prescribed.]

## CHAPTER XXIII.

## REPEAL OF ENACTMENTS.

Repeal, etc. XXXVI of 1950

687. The Hyderabad Municipal Corporations Act, 1950 (No. XXXVI of 1950), and the 'Hyderabad and Secunderabad Municipal Committees' (Composition and Elections) Regulation, 1359 F. (XI of 1359 F.), and all enactments amending the same are hereby repealed, provided that—

(a) any Corporation constituted under the enactments so repealed (hereinafter referred to in this section as the said Corporation) shall be deemed to have been constituted under this Act, and #[Members] of the said Corporation shall continue to hold office till the first meeting of the Corporation under clause (b) of section 88 is held;

(b) any appointment, notification, notice, tax, order, delegation, instruction, direction, scheme, licence, permission, permit, certificate, rule, regulation, bye-law or form made, published, issued, imposed or granted or deemed to have been made, issued, given, published, imposed or granted under the said enactments and still in force shall so far as it is not inconsistent with this Act be deemed to have been respectively made, published, issued, given, imposed and granted under this Act;



(c) any right, privilege, obligation or liability acquired, accrued or entered under the said enactments shall be deemed to have been acquired, accrued or entered under this Act;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed, and

(e) all references made in any Act to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

## SCHEDULE A.

395[XXX]

395. Forms 1 to 6 of Schedule A omitted by Act No.15 of 1975.

FORM 7.

[See Section 35].

Whereas the ..... constituency of Municipal Corporation of the City of ..... has been called upon to elect a #[member] 396[XXX] on or before……..... .....

I, ..... the Returning Officer of the said constituency ..... do hereby give the following—

Public Notice.

397[XXX]

(ii) Nomination papers may be delivered to the undersigned at his office at ..... or, if he is unavoidably prevented from receiving the same to.....at.....They should be presented between 11 a.m. and 3 p.m. on or before …….. (date).

(iii) Forms of nomination paper may be obtained at the offices of the persons above-mentioned between the hours of.....(hour) and.....(hour) from.....(date) to……(date).

(iv) The nomination papers will be taken up for scrutiny at.....(hours) on..... (date) in.....(place).

(v) The withdrawal to be made on..... date.....

396. (Councillors) omitted by Act No.5 of 1969. 397. (Item (i)) omitted by Act No.5 of 1969.



(vi) In the event of the election being contested, the poll will take place on ..... between the hours of .....and.....

Date ..... Address .....

Returning Officer.

FORM 8.

Nomination Paper.

[See Section 36].

Election to the Municipal Corporation of the City of.....19……

1. Name of the Constituency .....
2. Name of candidate .....
3. Father's/Husband's name .....
4. Age .....
5. Address .....
6. If the candidate is a member of ……..... the [398][Scheduled Castes or Scheduled Tribes] [399][or Backward Classes] …….....

[400][7. Number and Name of the ward electoral rolls in which the name of the candidate is included .....

8. Part Number and Serial Number of the candidate in the ward electoral roll .....]

9. Name of the proposer .....

[400][10. Part Number and Serial Number of the proposer in the ward electoral roll concerned ….....]

398. Substituted by Act No.17 of 1979.

399. Inserted by Act No.9 of 1987.

400. Substituted by Act No.5 of 2016.



11. Signature of the proposer.....

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date.....

Signature of candidate.

FORM 9.

Form of Notice of withdrawal.

[See sub-section (1) of section 40].

To

The Returning Officer,

for .....constituency of the Municipal Corporation of the City of.……

I.....of.....a candidate nominated at the election in the above constituency do hereby give notice that I withdraw my candidature.

Dated this.....day of .....19…….

Place.....

Signature of candidate.

This notice of withdrawal was delivered to me at my office at .....(hours).....(date) by …….the candidate/ the candidate's proposer/election agent who has been authorised in writing by the candidate to deliver it.

Returning Officer.

(Asst. Returning Officer).

401[FORM 10.]

401. Form 10 of Schedule A omitted by Act No.28 of 2005.



402[SCHEDULE-B]

402. Schedule B omitted by Act No.3 of 1994.



403[SCHEDULE C

[See Section 130]

Officers and servants of the Corporation belonging to Local Government Services:

1. Commissioner
2. Special Commissioner
3. Additional Commissioners
4. Zonal Commissioners
5. Joint Commissioners
6. Deputy Commissioners
7. Assistant Commissioners
8. Chief Engineer
9. Superintending Engineers
10. Executive Engineers
11. Deputy Executive Engineer
12. Chief Medical Officer of Health
13. Medical Officer of Health
14. Civil Assistant Surgeons

403. Schedule C substituted by Act No.25 of 2007.



15. Additional District Medical Officer of Health 16. Chief Entomologist
17. Senior Entomologist
18. District Extension and Mass Media Officer 19. Chief City Planner

20. Additional City Planner
21. Land Scape Architect
22. Assistant City Planners
23. Examiner of Accounts
24. Assistant Examiner of Accounts
25. Accounts Officer-cum-Financial Advisor 26. Divisional Accounts Officer.
27. Public Relation Officer
28. Estate Officer
29. Chief Valuation Officer
30. Valuation Officers
31. Assistant Directors (Veterinary) 32. Chief Horticulturist
33. Senior Horticulturist



34. Junior Horticulturist
35. Chief Transport Officer
36. Land Acquisition Officer
37. Forest Officer
38. Foreman
39. Metropolitan Magistrate.]

SCHEDULE D.

[See section 157].

Form of Debenture.

No. for Rs.....

By virtue of the [404][Greater Hyderabad Municipal Corporation] Act, 1955, we the Municipal Corporation of the City of Hyderabad, in consideration of the sum of ..... paid to us by A.B., of ..... for the purposes of the said Act, promise to pay to the said A.B., his heirs, executors, administrators and assigns, the said sum of ..... together with interest at the rate of ..... per centum per annum payable half-yearly on the .....

day of ..... and ……. day of.....

And, by way of security for the said payment, we do hereby grant and assign unto the said A.B., his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said A.B., his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied;

And it is hereby declared that the said principal sum shall be repaid on the ..... day of .....19.....at..... (place of payment).

Dated this.....day of..... 19…..

404. Substituted by Act No.13 of 2008.



(To be sealed with the
common seal of the Corporation)

(Signed)
Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of the City of ..... in our presence: —

(Signed)

1.....

2..... Members of the Standing Committee.

## SCHEDULE - E.

[See Section 194].

Duties and Powers of the Municipal Examiner of Accounts.

1. (1) The municipal examiner of accounts shall audit the accounts of the Corporation as hereinafter provided, with the assistance of the assistant auditor or clerks and servants appointed under this Act.

(2) In the discharge of his functions under this article the municipal examiner of accounts shall—

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether money 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;

(ii) audit the accounts of debt, deposit, 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 municipal examiner of accounts shall examine and audit the statements of accounts relating to the commercial services, conducted in any department 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 or the standing committee and shall certify and report upon these accounts.



(4) The municipal examiner of accounts shall, in consultation with the standing committee, and subject to any directions given by the Corporation, determine the form and manner in 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.

2. (1) The municipal examiner of accounts may make such querries and observations in relation to any 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 querry or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the municipal examiner of accounts.

(3) The powers of the municipal examiner of accounts with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the Corporation shall be such as may be determined by orders made by the Standing Committee in consultation with the municipal examiner of accounts and sanctioned by the Corporation.

3. If the municipal examiner of accounts 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 office in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal examiner of accounts shall have 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 preventing disclosure of their contents.

5. The municipal examiner of accounts shall have authority to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal examiner of accounts shall be audited by an officer to be nominated by the Corporation.

FORM 1.

(See Section 208).

Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.

To the Municipal Commissioner for the City of.....

I, A.B., hereby give notice, as required by section.....of the [405][Greater Hyderabad Municipal Corporation] Act, 1955, of the following transfer of property:—

Date of Notice

Date of Instrument

Name of Vendor or Assignor

Name of Purchaser or Assignee

Amount of consideration

Description of the property.

Of what it consists

Situation

No. in Assessment Book

Collector's No.

405. Substituted by Act No.13 of 2008.



Dimensions of land

Boundaries

If instrument has been registered, the date of registration Remarks.

FORM 2.

(See section 208).

Form of Notice of Transfer to be given when the Transfer has taken place otherwise than by Instrument.

To the Municipal Commissioner for the City of .....

I, A.B., hereby give notice as required by section ..... of the 406[Greater Hyderabad Municipal Corporation] Act, 1955, of the following transfer of property :—

Date of Notice

Name in which the property is at present entered in the Commissioner's Records

To whose name it is to be transferred

Description of the property.

Of what it consists

Situation

No. in Assessment Book

Collector's No.

Dimensions of Land

Boundaries

Remarks

406. Substituted by Act No.13 of 2008.

## SCHEDULE G.

(See section 239).

| (1) | (2) | |
|---|---|---|
| | | Maximum annual Tax |
| [407][1 to 8. [XXX]] | | |
| | With Pneumatic tyres | Without Pneumatic tyres |
| | Rs. | Rs. |
| 9. Four wheeled animal drawn vehicle with or without springs … … .. | 28 0 0 | 36 0 0 |
| 10. Two wheeled horse drawn vehicle which is not a tonga | 26 0 0 | 28 0 0 |
| 11. Two wheeled tonga with springs constructed to be drawn by one or more animals … … .. | 20 0 0 | 22 0 0 |
| 12. Jhatka … … .. | 19 0 0 | 21 0 0 |
| 13. Shakram… … .. | 18 0 0 | 20 0 0 |
| 14. Cart … … .. … … | | 15 0 0 |
| 15. Thela … … .. … … | | 14 0 0 |
| 16. Rickshaw … .. …. … | | 20 0 0 |
| 17. Cycle … … .. … … | | 8 0 0 |

407. Items 1 to 8 of Schedule G omitted by Act No.18 of 1965.

SCHEDULE G-(Contd.)

| | Maximum annual Tax Rs. |
|---|---|
| 18. Tricycle other than children's tricycle … … | 6 0 0 |
| 19. Trailer … … .. … … | 20 0 0 |
| 20. Ladis … … .. … … | 15 0 0 |
| 21. Boats … … .. … … | 28 0 0 |
| ANIMAL TAX | |
| 1. Race horse … … … | 50 0 0 |
| 2. Horse (not being a race horse) pony or mule of a height of 12 hands or upwards … … … | 12 0 0 |
| 3. Horse(not being a race horse) pony and mule of a height of less than 12 hands … … … | 8 0 0 |
| 4. Bullock or buffalo kept for draught or pack purposes … … … | 6 0 0 |
| 5. Donkey or ass kept for draught or pack purposes or for riding … … … | 4 0 0 |
| 6. Elephant … … … | 5 0 0 |
| 7. Camel … … … | 5 0 0 |

SCHEDULE G-(Contd.)

VEHICLE TAX.

| | Maximum annual Tax Rs. |
|---|---|
| [408][1 to 10. [XXX]] | |
| 11. Four wheeled animal drawn vehicle with spring including 4 wheeled Victoria and Landoes:— | |
| (a) Private … … … | 15 0 0 |
| (b) Taxi … … … | 22 4 0 |
| 12. Two wheeled animal drawn vehicles with spring including Baggies, Jhatkas, Tongas and Shakrams:— | |
| (a) Private … … … | 10 0 0 |
| (b) Taxi … … … | 15 10 0 |
| 13. Hand drawn carts used for carrying goods :— | |
| (a) Private … … … | 4 0 0 |
| (b) Taxi … … … | 6 0 0 |
| 14. Single Bullock Cart :— | |
| (a) Private … … … | 3 0 0 |
| (b) Taxi … … … | 4 0 0 |

408. Items 1 to 10 of Schedule G omitted by Act No.18 of 1965.

SCHEDULE G-(Contd.)

| | Maximum annual Tax Rs. |
|---|---|
| 15. Double Bullock Cart:— | |
| (a) Private … … … | 4 0 0 |
| (b) Taxi … … … | 5 0 0 |
| 16. Thela … … … | 6 0 0 |
| 17. Tongas without spring :— | |
| (a) with Pneumatic Tyres … … | 5 0 0 |
| (b) without Pneumatic Tyres … … | 6 0 0 |
| 18. Cycle:— | |
| (a) Private … … … | 1 12 0 |
| (b) Taxi … … … | 3 7 0 |
| 19. Cycle Rickshaw :— | |
| (a) Private … … … | 10 4 0 |
| (b) Taxi … … … | 15 6 0 |
| 20. Transport Rickshaw (Private) … … … | 3 14 0 |
| 21. Tricycles other than children's tricycle:— | |
| (a) Private … … … | 3 0 0 |
| (b) Taxi … … … | 6 0 0 |
| 22. Trailer … … … | 10 0 0 |
| 23. Ladis … … … | 12 0 0 |
| 24. Boats … … … | 16 0 0 |

SCHEDULE G-(Contd.)

ANIMAL TAX.

| | | Maximum annual Tax Rs. |
|---|---|---|
| 1. | Race Horse … … … | 25 0 0 |
| 2. | Each horse not being a race horse, pony of a height of twelve hands or upwards … … … | 3 0 0 |
| 3. | Each horse not being a race horse, pony or mule of a height of not less than 12 hands … … … | 2 8 0 |
| 4. | Each donkey or ass kept for draught or pack purpose or for riding … … … | 1 8 0 |
| 5. | Each bullock or buffalo kept for draught or pack purposes … … … | 0 12 0 |
| 6. | Camel … … … | 2 0 0 |
| 7. | Elephant … … … | 4 0 0 |

## SCHEDULE H.

(See Section 252).

Articles liable to Payment of Octroi.

| Articles | Maximum Rates of octroi leviable |
|---|---|
| Grain of all sorts ... … … | 2 annas per maund. |
| Flour of all sorts ... … … | 75 percent of the rate for the time being levied on the grain from which the flour is prepared. |
| Wines and spirits ... … … | 1 Rupee per imperial gallon. |
| Beer ... ... … … | 2 annas per imperial gallon. |
| Sugar, molasses and gur … ... … … | 12 annas per cwt. |
| Ghee … ... … … | 1 Rupee per quarter. |
| Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil ... … … | 1 Rupee per quarter. |
| Timber, exclusive of railway sleepers ... … … | 3 per cent of its market value. |

SCHEDULE H-(Contd.)

| Articles | Maximum Rates of octroi leviable |
|---|---|
| Plywood or any other kind of wood prepared by artificial process … ... … … | 3 per cent of its market value. |
| Firewood … ... … … | 9 annas per ton. |
| Charcoal … ... … … | 1 Rupee per ton. |
| Tea … ... … … | Re. 0-0-6 per lb. |
| Coal … ... … … | Re. 0-7-0 per ton. |
| Dates, dry ... … … | Re. 0-12-0 per cwt. |
| Dates, wet ... … … | Re. 0-8-0 per cwt. |
| Cement ... … … | Re. 1-0-0 per ton. |
| Iron and Steel ... … … | Re. 2-8-0 per ton. |
| Paper— | |
| (a) For cards or other like purposes … … | Re. 1-0-0 per cwt. |
| (b) Strawboards … … | Re. 0-3-0 per cwt. |
| Edible— | |
| (a) Bacon and Ham … | |
| (d) Fish (canned, boxed or cartoned) | |
| tinned, bottled, boxed or cartoned) | 6 1/4 per cent ad valorem. (b) Table Butter ... |
| (c) Fruits (canned, tinned, bottled, | |

SCHEDULE H-(Contd.)

| Articles | Maximum Rates of octroi leviable |
|---|---|
| (e) Cheese … ... | |
| (n) Fruit juices and all | |
| (o) All kinds of food | |
| (p) Whole milk powder | |
| (q) Skimmed milk | |
| (r) beverages and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned) | |
| powder | |
| Mawa and milk cream … … ... | ... |
| ... | 6 1/4 per cent ad valorem. |
| (f) Confectionery ... | |
| (g) Jams and Jellies ... | |
| (h) Milk condensed and preserved ... | |
| (i) All sorts of farinaceous foods | |
| (j) Pickles … ... | |
| (k) Cocoa and chocolates ... | |
| (l) Biscuits and cakes | |
| (m) Lard … ... | |



409[SCHEDULE I.]

## SCHEDULE J.

(See Section 258).

Where the payment for admission excluding the amount of entertainment tax:

| | | |
|---|---|---|
| (i) | does not exceed three rupees | Not less than twelve and half per cent and not more than twenty per cent on payments for admission. |
| (ii) | exceeds three rupees but does not exceed seven rupees. | Not less than twenty one per cent and not more than twenty four per cent on payments for admission. |
| (iii) | exceeds seven rupees. | Twenty five per cent on payments for admission. |

409. Schedule I omitted by Act No.22 of 1987.

SCHEDULE K.

(See Section 268).

Form of Notice of Demand.

To

A.B……..…….. residing at……..

Take notice that the Municipal Commissioner for the City of ……..... demands from (you) the sum of …… due from (you) on account of (here describe the permises, vehicle or animal on account of which the tax is leviable) or the half-year (or quarter) commencing (or ending on) the…… day of ……..19…..; and that if the said sum is not paid into the municipal office at …… or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this …….. day of …….. 19 .

(Signed)

Municipal Commissioner for the City of……..

SCHEDULE L.

(See section 269).

Form of Distress Warrant.

To (here insert the name of the officer charged with the execution of the Warrant).

Whereas A.B. of ……. has not paid, or shown sufficient cause, to my satisfaction, for the non-payment of the sum of ……due for the tax mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the ……..... day of ……19….., although the said sum has been duly demanded in writing from the said A.B. and fifteen days have elapsed since the service of the 410[bill];

This is to command you to distrain the goods and chattels of the said A.B. (or, as the case may be, any goods and chattels on the premises in respect of which the said tax is due) to the amount of the said sum of …… and such further sum as may be sufficient to defray the cost of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of…….....and the cost of recovering the same, to return the surplus, if any, and if the same be demanded within one year from the date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said A.B. (or on the said premises, as the

410. Substituted by Act No.15 of 2013.



case may be), you are to certify the same to me together with this warrant.

Dated the …….. day of …….. 19 .

(Signed)

Municipal Commissioner for the City of……..

SCHEDULE M.

(See section 271).

Form of Inventory and Notice.

To

A.B…….……..…. residing at……..

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of ……...due for the tax mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the…..……...day of..……19….; and that unless you pay into the municipal office at……the amount due, together with the costs of recovery, within seven days from the day of the date of this notice, the goods and chattels will be sold.

Dated this……..day of…….19 .

(Signature of the Officer executing the warrant).

Inventory.

(Here state particulars of the goods and chattels seized).

## SCHEDULE N.

[See Section 273].

Table of fees payable in Distraints.

| Sum distrained for | Fees. Rs. | a. | p. |
|---|---|---|---|
| Under 5 Rupees .. .. .. | 0 | 4 | 0 |
| Rupees 5 and under 10 Rupees .. .. .. | 0 | 8 | 0 |
| „ 10 „ 15 „ .. .. .. .. | 0 | 12 | 0 |
| „ 15 „ 20 „ .. .. .. .. | 1 | 0 | 0 |
| „ 20 „ 25 „ .. .. .. .. | 1 | 4 | 0 |
| „ 25 „ 30 „ .. .. .. .. | 1 | 8 | 0 |
| „ 30 „ 35 „ .. .. .. .. | 1 | 12 | 0 |
| „ 35 „ 40 „ .. .. .. .. | 2 | 0 | 0 |
| „ 40 „ 45 „ .. .. .. .. | 2 | 4 | 0 |
| „ 45 „ 50 „ .. .. .. .. | 2 | 8 | 0 |
| „ 50 „ 60 „ .. .. .. .. | 3 | 0 | 0 |
| „ 60 „ 80 „ .. .. .. .. | 3 | 12 | 0 |
| „ 80 „ 100 „ .. .. .. .. | 4 | 8 | 0 |
| Above 100 Rupees .. .. .. .. | 5 | 0 | 0 |

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

SCHEDULE O.

[See Section 339, sub-section (3)].

Drainage Completion Certificate.

I do hereby certify that the following work (insert full particulars of the work) …… has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the bye-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

Dated..……

## SCHEDULE P.

### PART I.

Articles which shall not be kept without a licence in or upon any premises.

(See Section 521).

Blood. Gun-cotton.

Dynamite.

Blasting powder.

Nitro-glycerine.

Phosphorus.

Fulminate of mercury.

### PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time maximum quantities hereunder set opposite such articles respectively:—

| Articles | Maximum quantity which may be kept at any one time without a licence |
|---|---|
| Bidi leaves .. .. .. .. | 4 cwts. |
| Camphor .. .. .. .. | ½ cwt. |
| Celluloid .. .. .. .. | 4 cwts. |
| Celluloid goods .. .. .. .. | 4 cwts. |
| Chemicals, liquid- .. .. .. | 4 gals |
| Chemicals, non-liquid .. .. .. | ¼ cwt. |
| Chlorate of Potash- .. .. .. | ¼ cwt. |



| | |
|---|---|
| Cinematograph film .. .. .. | 20 lbs. |
| Copra .. .. .. .. | 4 cwts. |
| Cotton refuse and waste .. .. .. | 4 cwts. |
| Cottonseed .. .. .. .. | 4 bags not exceeding 4 cwts. |
| Dry leaves (Patravalie, etc.) .. .. .. .. | 4 cwts. |
| Esas .. .. .. .. .. | 1 cwt. |
| Gunpowder .. .. .. .. | 5 lbs. |
| Matches for lighting .. .. .. | 1 gross boxes. |
| Methylated spirit .. .. .. .. | 10 gals. |
| Packing stuff (Paper cuttings, straw, etc.) .. .. .. | 4 cwts. |

| | |
|---|---|
| Paints .. .. .. | .. .. 5 cwts. |
| Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use .. .. | .. .. 4 cwts. |
| Petroleum as defined in the Petroleum Act, 1934 .. | .. .. 10 gals. |
| Dangerous Petroleum as defined in the same Act .. | .. .. 3 gals |
| Oil (other sorts) .. .. | .. .. 15 gals. |
| Oil seeds other than cotton-seeds .. .. | .. .. 1 ton |
| Rosin .. .. .. | .. .. ¼ cwt. |
| Saltpetre .. .. | .. .. ¼ cwt. |



| | |
|---|---|
| Sulphur .. .. | .. .. .. ¼ cwt. |
| Tar, pitch, dammer or bitumen .. .. | .. .. .. ½ cwt. |
| Turpentine .. | .. .. .. 1 gal. |
| Varnish .. .. | .. .. .. 20 gals. |

PART III.

Articles which shall not be kept without a licence, in or upon any premises, for sale or for other domestic use:-

| | |
|---|---|
| Acetylene gas. | Hoy. |
| Ashes. | Hemp. |
| Bamboos. | Hessian cloth (Gunny bag cloth). |
| Bones. | Hides (dried). |
| Cocoanut fibre. | Hides (raw). |
| Carbide of Calcium. | Hoofs. |
| Charcoal. | Horns. |
| China grass. | Jute. |
| Coal. | Khokas or wooden boxes or |
| Coke. | barrels (manufacturing and |
| Fat. | storing). |
| Fins. | Offal. |
| Firewood. | Rags. |
| Fireworks. | Sandalwood. |
| Fish (dried) | Skins. |

Flax Straw.

Grass Tallow.



Gunny bags. Timber.

Hair. Wool (raw).

PART IV.

Trades or operations connected with trade which shall not be carried in or upon any premises without a licence.

[See Sections 521 and 522].

Baking.

Casting metals.

Dyeing cloth or yarn, in indigo or other colour.

Keeping of eating-houses.

Keeping of sweetmeat shops except in premises already licensed as an eating-house.

Keeping of hair dressing saloons or barber's shops.

Tanning, pressing or packing hides or skins, whether raw or dried, Manufacturing, packing, pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles:-

411[Aerated waters or mineral water or packaged Drinking water.]

Gunpowder

Bidis (indigenous cigarettes). Ice.

Blasting Powder. Lime.

Bones. Matches for Lighting.

Bricks or tiles. Offal.

Candles. Oil-cloth.

411. Substituted by Act No.36 of 2007.



Catgut. Paper.

Cotton or cotton refuse or cottonseed. Pitch.

Cow dung cakes Pottery.

Dammer. Rags.

Dynamite. Soap.

Fat. Sugar.

Fireworks. Tallow.

Flax. Tar.

Gas. Vegetable Oil.

Ghee. Wood.

## SCHEDULE Q.

(See Section 575).

Particulars to be specified in the Register of Births.

| | | | |
|---|---|---|---|
| Serial Number | .. .. .. | | |
| Date of birth | .. .. .. | | |
| Parents | .. .. .. | Place of birth. Ward distinguishing number under clause (a) of section 214). Street or wadi No. of house in street or wadi Ward No. of house (i.e. residence in the | Names (and surnames, if any), Occupation or profession. Duration City of- of Years. Months. Days. |
| Mother being | .. .. .. | alive. | Only wife now alive. One of three or more wives all now alive. One of two wives, both now |
| Mother being unmarried | .. .. .. | | |
| Child | .. .. .. | Sex. Name, if any. Still born. | Born alive. Race, Caste or Nationality, |

Note- In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be



separated into those of pure European parentage those of mixed blood, viz., Indo-Europeans; and those of pure Asiatic parentage, viz., Native Christians, Negro-Africans or Siddis should be registered as such and not as Mussalmans. In the case of Europeans, their religions should be specified.

SCHEDULE R.

(See Section 575).

Particulars to be specified in the Register of Deaths.

Serial Number .. ..

Date of birth .. ..

Abode .. .. Division
distinguishing
clause (a) of section 214).
Street or wadi.
No. of house in street or wadi.
No. under
Sub-Division
Ward No. of house (i.e., its

Duration of residence in .. Years
Months
Days

If a stranger to or lately arrived, where from .. Village
Taluka.
District

Name (and surname, if any).

Sex.

Race, Caste or Nationality.

Age .. .. .. .. Years
Months.
Days.

Still-born

SCHEDULE R.-(Contd).

Occupation or
profession of deceased
or of his or her family.

Place of birth If in the city Division.
If out of the city of --------
No. of house.
Village.
Taluka.
District.
of ---------- Street or wadi.

Country to which family
belongs.

Cause of death

Duration of disease .. Years. Days. Hours. Months.

Name and residence of Medical Attendant ..

Place of disposal of dead, No. .. .. Buried. Burnt. Exposed

SCHEDULE S.

(See Section 581).

Certificate of Cause of Death.

I do hereby certify that I attended the deceased …….. during his last illness, and that the cause of his death was, to the best of my belief (here state particulars).

(Signed)

Medical Designation or Diploma.

Dated.

SCHEDULE T.

(See Section 584).

Form certifying Name given in Baptism.

I…….of……..…do hereby certify that on the……..19 , I baptized by the name of…….a male child produced to me by …… as the …..…… of ……, and declared by the said ……to have been born at ……on the……..…19.

(Signed by officiating Minister).

Dated.

Form certifying Name given not in Baptism.

I……., do hereby certify that the …..……male child, born on the ……...19 , at……, to ……. and his wife, and registered in the division of ……. on the ……19 , has received the name of ……

(Signed by Father or Mother, etc.)

Dated.



412[SCHEDULE U.

(See Section 596).

| section or clause | Section, sub- | Subject | Fine which may be imposed. |
|---|---|---|---|
| (1) | (2) | (3) | |
| Section 12, sub-section (7) | Requisition by Commissioner | One hundred rupees. | |
| Section 196 | Requisition by Auditor appointed for special audit. | One hundred rupees. | |
| Section 207 | Notice to be given of transfer of title | Fifty rupees. | |
| Section 208 | Requisition to produce instrument of transfer. | Fifty rupees. | |
| Section 210 | Notice to be given of the erection of new building, etc. | Fifty rupees. | |
| Section 244 | Notice to be given by person becoming possessed of a vehicle or animal liable to tax. | Fifty rupees. | |
| Section 248, sub-section (3) | Return to be forwarded by an owner or person in charge of a dog. | Fifty rupees. | |

412. Schedule U substituted by Act No.9 of 2008.



| (1) | (2) | (3) |
|---|---|---|
| Section 298 | Connections, with municipal drains, etc., not to be made except in conformity with section 296 or 297. | One hundred rupees. |
| Section 301 | Owner of land to allow others to carry drains through the land. | Five thousand rupees. |

| | | |
|---|---|---|
| Section 302 | Requisition to enforce drainage of undrained premises within a hundred feet of a municipal drain. | Five thousand rupees. |
| Section 303 | Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain. | Five thousand rupees. |
| Section 305 sub-section (1), clause (b) | Direction limiting use of drain or notice requiring the construction of a distinct drain. | Fifty rupees. |
| Section 306 | New buildings not to be erected without drains. | Ten thousand rupees. |
| Section 308 | Excrementitious matter not to be passed into cess-pools. | One hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 309 | Owners of drains to allow use thereof, or joint ownership therein, to others. | Ten thousand rupees. |
| Section 313 | Drains not to pass beneath buildings. | Ten thousand rupees. |
| Section 314 | Provisions as to position of cess-pools. | Two hundred rupees. |
| Section 316 sub-section (2) | Requisition to cover or ventilate drain or Cess-pool. | Two thousand Cess-rupees. |
| Section 321 sub-section (1) | Water-closets and privies not to be in contravention of terms prescribed. | Two thousand rupees. |
| Section 322 | Buildings newly erected or re-erected to be provided with water-closets and other accommodation. | Ten thousand rupees. |
| Section 323 sub-section (1) | Requisition to enforce provision of privy water closet. | Five thousand rupees. |

| | | |
|---|---|---|
| Section 324 | Requisition to provide Ten thousand privy accommodation rupees. for factories, etc. | |



| (1) | (2) | (3) |
|---|---|---|
| Section 325 | Requisition respecting unhealthy privies. | Five thousand rupees. |
| Section 326 | Provisions as to privies. | Two thousand rupees. |
| Section 327 | Provisions as to water-closets. | Two thousand rupees. |
| Section 328 | Position of privies and water-closets. | Two thousand rupees. |
| Section 329 | Provisions as to use of places for bathing or washing clothes or domestic utensils. | One thousand rupees. |
| Section 335 | Requisition to effect sanitary repairs, etc. | Fifty rupees. |
| Section 337 | Prohibition of acts contravening the provisions of Chapter IX or done without sanction. | Five thousand rupees. |
| Section 339 sub-sections (1) and (4). | Provisions as to employment of licensed plumber and use of work. | Two thousand rupees. |
| Section 339 sub-sections (2) and (3). | Licensed plumber to give and sign certificate. | Fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 350 sub-section (2). | Water not to be carried away from public water-supply for sale, and not to be carried in any vehicle, without permission. | Fifty rupees. |
| Section 351 sub-section (2). | Public water supply set apart for particular purpose, not to be used for other purpose. | Fifty rupees. |
| Section 352 | Requisition to obtain | Two hundred |

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| sub-section (2). | private water-supply rupees. and to provide supply and distributing pipes, etc. | |
| Section 353 | Provisions as to the making and renewing of connections with municipal works. | Two hundred rupees. |
| Section 353 sub-section (5). | Provisions as to unauthorised connections with municipal water, works, etc. | Fifty rupees. |
| Section 354 sub-section (3). | Requisition to provide cistern and fitting or means of access to any cistern. | Fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 356 | Supply or distributing pipes, etc., be kept in efficient repair by owner or occupier of premises. | One hundred rupees. |
| Section 359 sub-section (2). | Requisition to remedy defect in meter, supply or distributing pipe. | Fifty rupees. |
| Section 361 | Conditions as to use of water not to be contravened. | One hundred rupees. |
| Section 363 | Water pipes, etc., not to be placed where water will be polluted. | One hundred rupees. |
| Section 364 | Prohibition of fraudulent and unauthorised use of water. | One hundred rupees. |
| Section 365 sub-section (1). | Prohibition of fraud in respect of meters. | One hundred rupees. |
| Section 366 | Prohibition of wilful neglect relating to water works. | One hundred rupees. |
| Section 371 sub-section (1) | Work under Chapter X to be done by licensed plumber. | Two hundred rupees. |
| Section 371 | Name of licensed | Fifty rupees. |

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| sub-section (2) | plumber to be furnished. | |



| (1) | (2) | (3) |
|---|---|---|
| Section 381 sub-section (4). | Construction of building, within the regular line of street with-out permission. | One hundred rupees. |
| Section 392 | Land not to be appropriated for building and private street not to be laid out in accordance with Commissioner's direction. | Twenty percent of the value of the land in question, as fixed by Registration Department at the time of undertaking any development of any land. |
| Section 394 | Requisition as to leveling and draining of private streets. | Twenty thousand rupees. |
| Section 398 sub-section (1). | Requisition to remove or alter projections. | Two hundred rupees. |
| Section 401 sub-section (1). | Prohibition of structures or fixtures causing obstruction in streets. | Five hundred rupees. |
| Section 403 | Prohibition of hawking or exposing for sale any article in a public place or street without a licence. | One thousand rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 404 | Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence. | One thousand rupees. |
| Section 406 | Requisition to remove structures or fixtures. | Five hundred and fifty rupees. |
| Section 407 sub-section (1) | Prohibition of the tethering of animals in | Fifty rupees per animal. |

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| | public streets. | |
| Section 410 | Direction to close street | Fifty rupees. |
| sub-section (2) | in which work is in progress. | |
| Section 412 | Shoring-timber fence, | Fifty rupees. |
| sub-section (2) | etc., employed to secure public safety while municipal works are in progress not to be removed. | |
| Section 413 | Streets not to be | Ten thousand |
| sub-section (1) | opened or broken up and building materials not to be deposited thereon without permission. | rupees. |
| Section 414 | Precautions for public safety to be taken by persons to whom permission is granted. | Ten thousand rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 415 sub-section (1) | Persons to whom permission is granted must reinstate streets. | Ten thousand rupees. |
| Section 416 | Provision to be made by persons to whom permission is granted for traffic, etc., when their works interrupt streets. | Ten thousand rupees. |
| Section 417 | Hoards to be set up during work on any building adjacent to a street. | Five thousand rupees. |
| Section 418 sub-section (2) | Name of street and number of house not to be destroyed or defaced. | Twenty rupees |
| Section 420 sub-section (1) | Sky-signs not to be erected or retained without permission. | Two hundred and fifty rupees. |
| Section 421 sub-section (1) | Advertisement on certain sites, vehicles, etc., not to be exhibited | One thousand rupees. |

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| | without permission. | |
| Section 422 sub-section (1) | Requisition to repair, protect or enclose dangerous place. | Two thousand rupees. |
| Section 425 | Prohibition of removal, etc., of lamps. | Ten thousand rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 436 | Provision for supervision of buildings and works. | Ten thousand rupees. |
| Section 440 sub-section (1) | Work not to be commenced without notice. | Fifty percent of Building permit fee, subject to a maximum of Ten thousand rupees. |
| Section 441 | Building not to be converted to other purposes without the permission of the Commissioner. | Ten percent of the value of the Building including land as fixed by the Registration Department. |
| Section 442 | Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission. | Ten percent of the value of Building including land as fixed by the Registration Department. |
| Section 443 | Building or any part of a building originally constructed or the Building authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc. | Ten percent of the value of including land as fixed by the Registration Department. |



| (1) | (2) | (3) |
|---|---|---|
| Section 445 | Roofs and external walls of buildings not to | One thousand rupees. |

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| | be of inflammable material. | |
| Section 448 | Provisions as to height of frame buildings. | One thousand rupees. |
| Section 449 | Alteration and provision of staircases to allow safe exit in event of fire. | Ten thousand rupees. |
| Section 452 | (a) in respect of Non-High Rise Buildings except upto Ten percent of permissible setbacks. | (a) Fine equivalent to two hundred percent of the value of the land in question which is in force as fixed by the Registration Department for the extent of violated floor area. |



| (1) | (2) | (3) |
|---|---|---|
| | (b) Non-High Rise Buildings of work commenced contrary to the Act or Bye-laws, except item covered by (a) above. | (b) Fine equivalent to four hundred percent of the value of the land in question which is in force as fixed by the Registration Department for the extent of violated floor area. |
| | (c) High Rise Buildings or work commenced contrary to the Act or Bye-laws. | (c) Fine equivalent to six hundred percent of the value of the land in question which is in force as fixed by the Registration Department for the extent of violated floor area. |
| Section 454 | Provisions for enforcement of Provisions concerning building and works. | One hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 455 | Provisions as to completion certificates; permission to occupy the land and or use. | Five percent of the value of the building in question as |

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| | | fixed by the Registration Department. |
| Section 456 | Requistion to remove structures which are in ruins or likely to fall. | Ten thousand rupees. |
| Section 485 | Collection and removal of excrementitious and polluted matter to be provided for by occupiers in certain cases. | One thousand rupees. |
| Section 486 | Scavenger's duties in certain cases not to be discharged by private individuals without permission. | Ten rupees. |
| Section 493 | Requisition to cleanse and lime-wash building. | Fifty rupees. |
| Section 494 | Requisition to remove building materials, etc., from any premises. | One thousand rupees. |
| Section 496 | Requisition to cleanse, etc., neglected premises. | Fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 497 sub-sections (1) and (2). | Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings. | Fifty rupees. |
| Section 499 sub-section (2) | Provisions as to buildings unfit for human habitation. | Five hundred rupees. |
| Section 500 | Owner or occupier of a house, within seven days of receipt of notice, to give statement of accomodation. | Two hundred rupees. |
| Section 501 sub-section (1) | Requisition by Magistrate to abate over crowding. | Two hundred rupees. |
| Section 501 sub-section (3) | Requistion by owner pursuant to order under | Two hundred rupees. |

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| | sub-section (1) | |
| Section 502 | Requisition to remove or alter insanitary huts. | Fifty rupees. |
| Section 504 | Requisition to fill in pools, etc., which are a nuisance. | One hundred and fifty rupees. |
| Section 505 sub-section (1) | Digging or constructing well, etc., without permission. | Two hundred and fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 505 sub-section (2) | Requisition to fill in or demolish well, etc. | Two hundred and fifty rupees. |
| Section 508 | Requisition to discontinue quarrying. | Five hundred rupees. |
| Section 509 sub-section (1) | Requisition to remove or trim trees, shrubs or hedges. | Fifty rupees. |
| Section 510 sub-section (1) | Prohibition as to the keeping of animals. | Five hundred rupees. |
| Section 511 | Requisition to discontinue, etc., stardling animals or storing grain in dwelling house. | Fifty rupees. |
| Section 512 sub-section (1) | Prompt notice to be given to Health Department for removal of carcases of dead animals. | Two hundred and fifty rupees. |
| Section 514 Clauses (e), (f) and (g) | Prohibition of bathing etc., contrary to order or regulation. | Ten rupees. |
| Section 516 | Factory, etc., not to be newly established or worked without permission. | Two percent of the value of land and building in question as fixed by the Registration Department. |



| (1) | (2) | (3) |
|---|---|---|

| | | |
|---|---|---|
| Section 519 sub-section (1) | Requisition for sanitary regulation of factories, etc. | Two hundred rupees. |
| Section 520 sub-section (1) | Prohibition of use of steam whistle, etc., without permission. | Two hundred rupees. |
| Section 521 sub-section (1) | Certain things not to be kept and certain trades and operations not to be carried on, without a licence. | Five hundred rupees. |
| Section 521 sub-section (5) | Licence to be kept on the premises | Twenty rupees. |
| Section 522 sub-section (1) | Prohibition of contamination of water by chemicals, etc. | One thousand rupees. |
| Section 524 sub-section (1) | Regulation of washing of clothes by washerman. | Twenty rupees. |
| Section 528 sub-section (1) | Prohibition of sale in municipal market without license. | Fifty rupees. |
| Section 529 sub-section (2) | New private market not to be opened without sanction. | One thousand rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 530 sub-section (1) Clause (a) | Private market not to be kept open without licence. | Fifty rupees. |
| Section 530 sub-section (1) Clauses (b) and (c) | Using place as slaughter house without licence, within or without city. | Two hundred rupees. |
| Section 531 | Prohibition of sale in unauthorised private markets. | Fifty rupees. |
| Section 532 | Requisition to pave and drain private market, buildings and slaughter-houses. | Two hundred rupees. |
| Section 533 | Regulations framed for markets and slaughter-houses. | Fifty rupees. |

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| Section 535 | Removal of cattle, sheep, goats or swine from any municipal slaughter-house, market or premises. | Fifty rupees. |
| Section 536 sub-section (2) | Regulations and table of stallage-rents posted up in markets and slaughter-houses not to be destroyed or defaced. | Fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 538 sub-section (1) | Prohibition of sale of animals, etc., except in a market. | Fifty rupees. |
| Section 539 | Butchers and persons who sell the flesh of animals to be licensed. | One hundred rupees. |
| Section 540 sub-section (1) | Prohibition of import of cattle, etc., into the city without permission. | One hundred rupees. |
| Section 549 | Information to be given of existence of infectious disease by medical practitioners. | One hundred rupees. |
| Section 551 sub-section (1) | Prohibition of use for drinking of water likely to cause infectious disease. | Two hundred rupees. |
| Section 552 sub-section (2) | Direction to remove patients to hospitals. | One hundred rupees. |
| Section 554 sub-section (1) | Requisition to disinfect buildings. | One hundred rupees. |
| Section 556 sub-section (2) | Where a place for washing of infected articles has been appointed such articles not to be washed at places not so appointed. | One hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 556 sub-section (3) | Direction to disinfect or destroy infected | One hundred rupees. |

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| | articles. | |
| Section 557 | Persons suffering from | Fifty rupees. |
| sub-section (1) | infectious disease not to enter a public conveyance without notifying the same. | |
| Section 559 | Provisions as to carriage of persons suffering from infectious disease in public conveyance. | Five hundred rupees. |
| Section 560 | Public conveyance which has carried a person suffering from infectious disease to be disinfected. | Five hundred rupees. |
| Section 562 | Infected article not to | Five hundred |
| sub-section (1) | be transmitted, etc., without previous disinfection. | rupees. |
| Section 563 | Infected building not to | Five hundred |
| sub-section (1) | be let without being first disinfected. | rupees. |
| Section 566 | Places for the disposal of the dead to be registered. | One hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 568 | New places for disposal of the dead not to be opened without permission. | Five hundred rupees. |
| Section 571 | Prohibition of burials | Five hundred |
| sub-section (1) | within places of worship and exhumation without permission. | rupees. |
| Section 572 | Acts prohibited in connection with the disposal of the dead. | One hundred rupees. |
| Section 577 | Information of birth to | One hundred |
| sub-section (1) | be given within seven days. | rupees. |
| Section 578 | Information respecting finding of born child to be given. | One hundred rupees. |

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|---|---|---|
| Section 580 | Information of death to be given at the time when the corpse of the deceased is disposed of. | One hundred rupees. |
| Section 581 sub-section (1) | Medical practitioner who attended a deceased person to certify the cause of his death. | One hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 591 sub-section (1) | Boards for exhibiting bye-laws to be open to inspection. | Fifty rupees. |
| Section 591 sub-section (2) | The same not to be injured. | Fifty rupees. |
| Section 619 | Regulations prescribed for licensed surveyors and plumbers. | Fifty rupees. |
| Section 620 | Licensed plumber not to demand or receive more than the prescribed fee. | Fifty rupees. |
| Section 621 | Licensed plumber to be bound to execute work properly. | Twenty rupees. |
| Section 622 sub-section (5) | Grantee to be bound to produce licence or written permission. | One thousand rupees. |
| Section 623 | Milk, butter, etc., not to be sold without a licence. | Two hundred and fifty rupees. |
| Section 657 sub-section (3) | Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by the Judge.] | Two hundred rupees. |



413[SCHEDULE V.

[See Section 597]

sub-section or Section,

| clause | Subject | may be imposed | Daily Fine which |
|---|---|---|---|
| (1) | (2) | (3) | |
| Section 298 | Connections, with municipal drains, etc., not to be made. | One thousand rupees actual digging charges. | |
| Section 299 sub-section (1) | Buildings, etc., not to be erected without permission over any drains. | Five rupees. | |
| Section 301 | Owner of land to allow others to carry drains through the land. | Five hundred rupees. | |
| Section 302 | Requisition to enforce drainage of undrained premises within a hundred feet of a municipal drain. | Five hundred rupees. | |
| Section 303 | Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain. | Five hundred rupees. | |

413. Schedule V substituted by Act No.9 of 2008.



| (1) | (2) | (3) |
|---|---|---|
| Section 305 sub-section (1) | Direction limiting use of drain or notice requiring the construction of a distinct drain. | One hundred rupees. |
| Section 309 | Owners of drains to allow use thereof, or joint ownership therein to others | One thousand rupees. |
| Section 313 | Drains not to pass beneath buildings. | One thousand rupees. |
| Section 316 sub-section (2) | Requisition to cover to ventilate drain or cesspool. | Two hundred rupees. |
| Section 323 sub-section (1) | Requisition to enforce provision of privy accommodation, etc. | Five hundred rupees. |
| Section 324 | Requisition to provide privy accommodation | One thousand rupees. |

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| | | for factories, etc., |
| Section 325 | Requisition respecting unhealthy privies. | One thousand rupees. |
| Section 326 sub-section (1) | Provisions as to privies. | One hundred rupees. |
| Section 327 | Provisions as to water-closets | Two hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 335 | Requisition to effect sanitary repairs, etc. | Fifty rupees. |
| Section 337 | Prohibition of acts contravening the provisions of Chapter IX or done without sanction. | Five hundred rupees. |
| Section 339 sub-sections (1) & (4). | Provisions as to employment of licensed plumber and use of work. | Two hundred rupees. |
| Section 339 sub-sections (2) & (3). | Licensed plumber to give and sign certificate. | Fifty rupees. |
| Section 349 sub-section (1) | Buildings etc., not to be erected over water main without permission. | Ten rupees. |
| Section 381 sub-section (4) | Buildings not to be constructed within the regular line of street without permission. | One hundred rupees. |
| Section 392 | Land not to be appropriated for building and private street not be laid not otherwise than in accordance with Commissioner's directions. | One percent of the value of the land in question as fixed by Registration Department at the time of undertaking any development of land. |



| (1) | (2) | (3) |
|---|---|---|
| Section 394 | Requisition as to | Two thousand |

| | | |
|---|---|---|
| | leveling and draining of private street. | rupees. |
| Section 401 sub-section (1) | Prohibition of structures or fixtures causing obstruction in streets. | Ten rupees. |
| Section 402 sub-section (1) | Prohibition of deposit, etc., of things in streets. | Ten rupees. |
| Section 403 | Prohibition of hawking or exposing for sale any article in a public place or street without a licence. | Five hundred rupees. |
| Section 404 | Prohibition in a public place or street, of use or skill in handicraft or in rendering services wihtout licence. | Five hundred rupees. |
| Section 406 | Requisition to remove structures or fixtures. | Ten rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 413 sub-section (1) | Streets not to be opened or broken up and building materials not to be deposited thereon without permission. | One thousand rupees. |
| Section 414 | Precautions for public safety to be taken by persons to whom permission is granted. | One thousand rupees. |
| Section 415 sub-section (1) | Persons to whom permission is granted must reinstate streets. | One hundred rupees. |
| Section 417 | Hoards to be set up during work on any building adjacent to a street. | One thousand rupees. |
| Section 420 sub-section (1) | Sky-signs not to be erected or retained without permission. | Ten rupees. |
| Section 421 sub-section (1) | Advertisement on certain sites, vehicles, | Ten rupees. |

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| | | etc., not to be exhibited without permission. |
| Section 422 sub-section (1) | Requisition to repair, protect or enclose dangerous place. | Five hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 436 | Provision for supervision of buildings and works. | One thousand rupees. |
| Section 440 sub-section (1) | Work not to be commenced without notice. | One thousand rupees. |
| Section 441 | Building not to be converted to other purposes without the permission of the Commissioner. | One percent of the value of the Building including land as fixed by the Registration Department. |
| Section 442 | Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission. | One percent of the value of the Building including land as fixed by the Registration Department. |
| Section 443 | Building or any part of a building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc. | One percent of the value of the Building including land as fixed by the Registration Department. |



| (1) | (2) | (3) |
|---|---|---|
| Section 445 | Roofs and external walls of buildings not to be of inflammable material. | Fife hundred rupees. |
| Section 446 and 447 | Provisions as to height of buildings. | One hundred rupees. |

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| Section 448 | Provisions as to height of frame buildings. | One hundred rupees. |
| Section 449 | Alteration and provision of staircases to allow safe exit in event of fire. | One thousand rupees. |
| Section 452 | (a) In respect of Non-High rise Buildings, setbacks on each side of each floor except building line upto ten percent of the permissible setbacks. | (a) Fine equivalent to five percent of the value of the land in question, which is in force as fixed by the Registration Department for the extent of violated floor area. |
| | (b) Non-High rise Buildings or work commenced contrary to the Act or Bye-laws, except item covered by (a). | (b) Fine equivalent to ten percent of the value of the land in question, which is in force as fixed by the Registration Department for the extent of violated floor area. |
| | (c) High rise buildings or work commenced contrary to the Act or Bye-laws. | (c) Fine equivalent to twenty percent of the value of the land in question, which is in force as fixed by the Registration Department for the extent of violated floor area. |
| Section 455 | Provisions as to completion certificate, permission to occupy or use. | Two thousand rupees. |
| Section 456 | Requisition to remove | One thousand |

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| | structures which are in ruins or likely to fall. | rupees. |
| Section 483 sub-sections (1), (2), (3) and (4) | Collection, removal and provision of receptacles. | One thousand rupees. |
| Section 493 | Requisition to cleanse and lime wash buildings. | Five rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 494 | Requisition to remove building materials, etc., from any premises. | Two hundred rupees. |
| Section 496 | Requisition to cleanse etc., neglected premises. | Five rupees. |
| Section 497 sub-sections (1) & (2) | Requisition to abate or to prevent recurrences of leakage in roofs of buildings. | Five hundred rupees. |
| Section 500 | Owner or occupier of a house, within seven days of receipt of notice to give statement of accommodation. | Twenty rupees. |
| Section 501 sub-section (1) | Requisition by Magistrate to abate over crowding. | Twenty rupees. |
| Section 501 sub-section (3) | Requisition by owner pursuant to order under sub-section (1). | Fifty rupees. |
| Section 502 | Requisition to remove or alter insanitary hut. | Fifty rupees. |
| Section 504 | Requisition to fill in pools,etc., which are a nuisance. | Five rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 505 sub-section (2) | Requisition to fill in or demolish well, etc., | Twenty rupees. |
| Section 508 | Requisition to discontinue dangerous | One hundred rupees. |

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| | | quarrying. |
| Section 509 sub-section (1) | Requisition to remove or trim trees, shrubs or hedges. | Fifty rupees. |
| Section 510 sub-section (1) | Prohibition as to the keeping of animals. | Five hundred rupees. |
| Section 511 | Requistion to discontinue, etc., stabling animals in dwelling houses. | Five hundred rupees. |
| Section 516 | Factory etc., not to be newly established or worked without permission. | Five thousand rupees. |
| Section 519 sub-section (1) | Requistion for sanitary regulation of factories, etc., | One thousand rupees. |
| Section 521 sub-section (1) | Certain things not to be kept, and certain trades not to be carried on without a licence. | One thousand rupees. |
| Section 521 sub-section (4) | Licence to be kept on the premises. | Five hundred rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 522 sub-section (1) | Prohibition of corruption of water by chemical etc., | Five hundred rupees. |
| Section 524 | Regulation of washing of clothes by washermen. | Five rupees |
| Section 530 sub-section (1) | Private markets not to be kept open without licence. | One thousand rupees. |
| Section 532 | Requisition to pave and drain private market buildings and slaughter-houses. | Five hundred rupees. |
| Section 539 | Butchers and persons who sell the flesh of animals to be licensed. | Two hundred and fifty rupees. |
| Section 554 sub-section (1) | Requistion to disinfect buildings. | Two hundred and fifty rupees. |

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|---|---|---|
| Section 621 | Licenced plumber to be bound to execute work properly. | Fifty rupees. |
| Section 622 sub-section (5) | Grantee to be bound to produce licence or written permission. | One thousand rupees. |
| Section 623 | Milk, butter, etc., not to be sold without a licence. | Two hundred and fifty rupees. |



| (1) | (2) | (3) |
|---|---|---|
| Section 657 sub-section (3) | Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by the Judge.] | Five hundred rupees. |



414[SCHEDULE - W

(See sub-section (3A) of section 3)

| S.No. | Areas included into Greater Hyderabad Municipal Corporation | Ward No. into which areas are merged |
|---|---|---|
| (1) | (2) | (3) |
| 1 | Bandlaguda (Ramchandrapuram Mandal) | 113 |
| 2 | Sy.Nos.203/2/A/1, 204/A/1, 206/A/1, 207, 208/A, 209/A/1, 210, 210/2/1, 211, 212 and 213/A of Manikonda Jagir Village to an extent of 857.11 Acres.] | 105 |

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414. Schedule W added by Act No.4 of 2018.