



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 4th May, 2022

No. LGL.60/2022/216.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 27th April, 2022 is hereby published for general information.

ASSAM ACT NO. VIII OF 2022

(Received the assent of the Governor on 27th April, 2022)

THE ASSAM MUNICIPAL CORPORATION ACT, 2022

AN ACT

to provide constitution of Municipal Corporations in the State of Assam.

Preamble

Whereas it is expedient to make provisions for establishment and administration of Municipal Corporations in the State of Assam.

It is hereby enacted in the Seventy-third year of the Republic of India as follows:-

Chapter I Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the Assam Municipal Corporation Act, 2022.
- (2) It extends to the whole of the State of Assam excluding cantonment areas therein.
- (3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf, and different dates may be appointed for different Municipal Corporation areas in the State.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (1) "annual value" means the value of any land or building determined under the provisions of this Act;
 - (2) "Appellate Authority" means the Empowered Standing Committee as provided under section 12 of this Act;
 - (3) "Auditor" means an Auditor appointed by the Government for performing Audit of the accounts of the Corporation;
 - (4) "Authority" means any authority established under any Central or State Act for the time being in force;

(5) "balance sheet" means the balance sheet prepared for the accounts of the Corporation;

(6) "bio-medical waste" means any waste generated during diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biologicals;

(7) "bridge" includes a culvert;

(8) "budget estimate" means the budget estimate prepared for the probable receipt and expenditure of the Corporation;

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

(10) "building" means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three metres in height) enclosing, or intended to enclose, any land, sign or outdoor display-structure but does not include a tent, shamiana or tarpaulin shelter;

(11) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jin-rickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of children or elderly, infirm or handicapped persons;

(12) "cart" means any cart, hackney or wheeled vehicle with or without springs, which is not a carriage, and includes a hand-cart, a cycle van and a push van, but does not include any wheeled vehicle which is propelled by mechanical power or its trailer;

(13) "Commissioner" means in relation to the Corporation, the Commissioner so appointed by the Government on deputation;

(14) "Corporation" means the Corporation established under this Act;

(15) "Councillor", in relation to the Corporation means a person chosen by direct election from a ward of that Corporation;

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

(17) "dangerous disease" means -

(a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis, or syphilis;
or

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

(18) "Delimitation Board" shall mean the Delimitation Board constituted for the purpose of redefining the boundaries of wards;

(19) "Director of Local Bodies" means an officer appointed as such by the State

Government, and includes a Director, an Additional Director, a Joint Director, a Deputy Director, or any other officer of the State Government authorized by it to perform the functions of the Director of Municipal Administration;

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

(21) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and Cosmetics Act, 1940; Central Act 23 of 1940.

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

(23) "Empowered Standing Committee" means the Empowered Standing Committee referred to in section 12 of the Act;

(24) "financial statement" means the financial statement prepared under this Act;

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

(26) "footpath" means a pavement for use by pedestrians;

(27) "habitable room" means a room constructed or adapted for human habitation;

(28) "hazardous process" means the hazardous process defined in clause (cb) of section 2 of the Factories Act, 1948;

Central Act 63
of 1948.

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

Central Act 29
of 1986.

(30) "house-drain" means any drain of one or more premises used for the drainage of such premises;

(31) "house-gully" means a passage or a strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter for municipal employees or for persons employed in the cleaning thereof or removal of such matter therefrom, and includes the air space above such passage or land;

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

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

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

(35) "land or building" includes a slum;

(36) "market" includes any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Corporation as a market;

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

(38) "milk" includes cream, skimmed milk, separated milk, and condensed, sterilized, desiccated or toned milk;

(39) "Municipal Accounts Committee" means a Municipal Accounts Committee constituted under this Act;

(40) "municipality area" means an area constituted as a Municipal Corporation area under this Act;

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

(42) "Municipal Fund" means the Municipal Fund referred to in section 53 of the Act;

(43) "Municipal Magistrate" means the Municipal Magistrate appointed under this Act;

(44) "municipal market" means a market belonging to, or maintained by, the Corporation;

(45) "municipal slaughterhouse" means a slaughterhouse belonging to, or maintained by, the Corporation;

(46) "Municipal Valuation Committee" means the Municipal Valuation Committee constituted under this Act;

(47) "municipality" means the Municipal Corporation so notified under the provisions of this Act.

(48) "notification" means a notification published in the Official Gazette;

(49) "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;

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

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

(51) "offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance, or filth of any kind which is not included in sewage;

(52) "other agency" means a company, firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time being in force;

(53) "owner" includes the person for the time being receiving the rent of any land or building

or of any part of any land or building, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the land or the building or of any part of the land or the building were let to a tenant;

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

(55) "premises" means any land or building or part of a building or any hut or part of a hut, and includes -

(a) the garden, ground and outhouses, if any, appertaining thereto, and

(b) any fittings or fixtures affixed to a building or part of a building or hut or part of a hut for the more beneficial enjoyment thereof;

(56) "prescribed" means prescribed by rules made under this Act or Bye-Laws made under this Act;

(57) "presiding officer" means in the case of the Municipal Corporation, the Mayor;

(58) "private drain" means any drain which is not a municipal drain;

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

(60) "public building" means a masonry building constructed, used, or adapted to be used, -

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

(b) for any other public purpose, or

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

(61) "public street" means any street, road, lane, gully, alley, passage, pathway, square or courtyard, whether a thoroughfare or not, over which the public have a right of way, and includes-

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

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

(c) the footpath attached to any such street, public bridge or causeway,

(d) the passage connecting two public streets, and

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

(62) "regulations" means the regulations made by the Corporation under this Act;

(63) "rules" means the rules made by the State Government under this Act;

(64) "sewage" means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

(65) "street" means a public street or a private street;

(66) "street alignment" means the line dividing the land comprised in, and forming part of, a street from the adjoining land;

(67) "water-course" includes a river, stream or channel, whether natural or artificial;

(68) "year" means a financial year beginning on the first day of April.

Chapter II

Constitution of the Corporation

Declaration of intention to constitute a Municipal Corporation area.

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

Publication of Declaration.

- (2) The notification about the constitution of a Corporation shall be published in the Official Gazette and in at least two leading newspapers, at least one of which shall be in

vernacular language intelligible to the inhabitants of the local area concerned.

- (3) A copy of the notification shall also be pasted in a conspicuous place in the office of the Deputy Commissioner of the district and, where there is a Municipal Board, also in the office of the Municipal Board, and such other public places as the State Government may direct.
- (4) Any inhabitant of the city, town or Panchayat area in respect of which a notification has been published under sub-section (2) of section 3 of the Act may, if he objects to anything contained in the notification, submit his objection in writing within fifteen days of the publication of notification to the State Government, through the Deputy Commissioner of the District and the State Government shall take such objection into consideration.
- (5) On the expiry of one month from the date of publication of the notification and after consideration of all or any of the objection which may be submitted, the Governor, may, by notification constitute such city, town or any specified part thereof as a Municipal Corporation.

Consideration of Objection.

Constitution of Municipal Corporation areas.

Power to abolish or alter limits of Municipal Corporation area.

4. (1) The Governor may, by notification,-
- (a) withdraw any Municipal Corporation area or part thereof from the operation of this Act, or
- (b) exclude from a Municipal Corporation area any local area comprised therein and defined in the notification, or
- (c) include within a Municipal Corporation area any local area contiguous to such Municipal Corporation area and defined in the notification, or

(d) unite two or more contiguous Municipal Corporation area so as to constitute one Municipal Corporation area, or

(e) revise the boundary of two or more contiguous Municipal Corporation areas:

Provided further that the procedure laid down for the constitution of a Municipal Corporation area under this Act shall be followed mutatis mutandis in each such case.

- (2) The Municipal Corporation for the purpose of election to Councillors may re-determine the boundaries of existing wards. For this, Government may by order published in the Official Gazette constitute a Delimitation Board with such number of members as may be decided by Government. The Delimitation Board shall prepare delimitation of wards of the city and shall submit it to Government for consideration and accordingly notification may be issued as required under this Act:

Provided further that the provisions laid down for the constitution of a Municipal Corporation area under this Act shall be followed mutatis mutandis in this case also.

The Constitution
of Corporation.

5. (1) There shall be a Corporation charged with the Municipal Administration of a city notified to be a Municipal Corporation under this Act.
- (2) The State Government, by notification in the Official Gazette, shall determine the number of wards into which the city shall be divided, the number of Councillors to be elected to the Corporation and the number of seats to be reserved in favour of the Scheduled Castes, the Scheduled Tribes and the Women.
- (3) Fifty percent of the seats of the Councillors shall be reserved for women including the seats reserved for the Scheduled Castes and the Scheduled Tribes and such seats may be

allotted by rotation to different wards of the Corporation every ten years.

- (4) Reservation of seats in the Corporation for the Scheduled Castes and Scheduled Tribes and 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 in the Corporation as the population of the Scheduled Castes in the Corporation area or the Scheduled Tribes in the Corporation bears to the total population of that area as per the latest census figures and such seats may be allotted by rotation to the different wards of the Corporation.

Incorporation of Corporation

6. (1) The Municipal Corporation shall be a body corporate with perpetual succession and a common seal.
- (2) All executive actions of the Empowered Standing Committee shall be expressed to be taken in the name of the Corporation.
- (3) Subject to the provisions of this Act, the Corporation shall have the power to acquire, hold and dispose off properties.

Composition of the corporation and election of Councillors

7. (1) The Councillors elected in a general election or a by-election of the Corporation in accordance with the provisions relating to municipal elections in the State, shall constitute the Corporation.
- (2) The Corporation shall, unless dissolved earlier, continue for a period of five years from the date of its first meeting after the general election and no longer.
- (3) An election to constitute the Corporation shall be completed, as the case may be, -
- (a) before the expiry of the period specified in sub-section (2) above,

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

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

- (4) The Corporation constituted upon its dissolution before the expiration of the period specified in sub-section (2) above shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (2) above had it not been so dissolved.
- (5) If, for any reason, it is not possible to hold the general election of a Corporation before the expiry of the period of five years specified in sub-section (2) above, the Corporation shall stand dissolved on the expiration of the said period, and all the powers and functions vested in the municipal authorities under this Act or under any other law for the time being in force shall be exercised or performed, as the case may be, by such person or persons to be designated as Administrator or Board of Administrators as the State Government may, by notification, appoint.
- (6) The Corporation shall consist of elected Councillors elected directly by the voters of each ward.
- (7) Government may nominate not more than two persons having special knowledge or experience in Municipal Administration, as members who shall have the right to attend and speak at all meetings of the Corporation but shall not have the right to vote. Such persons shall not be deemed to be Councillors for the purpose of this Act.

- (8) The members of the House of People and the members of the Assam Legislative Assembly representing the Constituencies which comprise fully or partly the Corporation Area, shall be the ex-officio members of the Corporation and who shall have the right to attend and speak at all meetings of the Corporation and shall have the right to vote.
- (9) The members of the Council of States registered as electors within the Corporation area shall be the ex-officio members of the Corporation and who shall have to attend and speak at all meetings of the Corporation and shall have the right to vote.

State Election Commission.

8. (1) Notwithstanding anything contained in this Act, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections of Councillors shall be vested in the State Election Commission constituted by the State Government under Article 243 -ZA of the Constitution of India.

Qualification of Councillorship.

- (2) A person shall not be qualified to be chosen as a Councillor unless -
- (a) his name is registered as an elector in an electoral roll for any ward in the city; and
 - (b) he furnishes a declaration in the form of an affidavit, in the format as may be prescribed, at the time of filing nomination paper, containing the following information, which shall be made public by the respective returning officers by displaying a copy of the affidavit on the Notice Board of his office -
 - (i) whether the candidate has been convicted / acquitted / discharged of any criminal offence in the past and if convicted, whether he was punished with imprisonment or fine;

- (ii) prior to six months of filing nomination whether the candidate is accused in any pending case, of any offence punishable with imprisonment for a term of two years or more, and in which charge is framed or cognizance has been taken by the Court. If so, details thereof;
- (iii) the assets (immovable, movable, bank balances etc.) of a candidate and of his / her spouse and, that of dependents;
- (iv) liabilities, if any, particularly whether there are any overdues of any public Financial Institutions or Government dues;
- (v) the educational qualifications of candidate.

Oath of allegiance
to be taken by
Councillors.

- (3) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected as a Councillor shall, before taking his seat, make and subscribe an oath or affirmation of his allegiance to the Constitution of India before the Secretary to the State Government in-charge of municipal affairs or his nominee not below the rank of a Deputy Secretary to the State Government.
- (4) The oath of allegiance shall be as per Form A provided in Schedule I of the Act.
- (5) Any person who, having been elected a Councillor, fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (3) above, shall cease to hold his office and his seat shall be deemed to have become vacant.
- (6) Disqualification for Councillorship of Corporation.- A person shall be disqualified for being chosen as, and for being, a Councillor,-

Central Act 10 of
1873.

- (a) if he is of unsound mind and stands so declared by a competent Court;
- (b) if he is an undischarged insolvent;
- (c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;
- (d) if he holds any office of profit under the Government or under the Corporation or under any other local authority;
- (e) if he has in proceedings for questioning the validity or regularity of an election been found to be guilty of -
 - (i) any corrupt practice; or
 - (ii) any offence punishable under section 171-E or Section 171-F of the Indian Penal Code unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by the Government.
- (f) if he has been sentenced on conviction by a criminal court to imprisonment for any of the offences referred to in clause (e) or to imprisonment for an offence involving moral turpitude unless in each case a period of five years has elapsed since the date of the conviction or the disqualification has been removed either retrospectively or prospectively by the Government;
- (g) if he is directly interested in any subsisting contract made with, or any work being done for the Corporation except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;

- (h) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity in connection with any cause or proceedings in which the Corporation or any of the municipal authorities is interested or concerned;
- (i) if he fails to pay any arrears of any kind, due from him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him;
- (j) if he is so disqualified by or under any law for the time being in force for the purpose of elections to the Assam Legislative Assembly:

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 year;

- (k) if he is disqualified by or under any law made by the Assam Legislative Assembly;
- (l) if he or she has more than two living children from a single or multiple partners:
Provided that this provision shall not be applicable in respect of those persons, who have more than two children prior to the date of commencement of this Act;
- (m) if he or she has not passed Bachelors Degree or equivalent examination from any University recognised by the State or the Central Government, as the case may be:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the

minimum educational Qualification shall be HSSLC or passed equivalent examination under any Board or Council recognised by the State or the Central Government, as the case may be;

(n) if he or she does not have a functional sanitary toilet in his or her residence premises for the use of the family members;

(o) if he or she had been disqualified previously for corruption or if he or she had been convicted for any act under any provision of Law;

(p) if he or she is an employee of the Corporation.

(7) Notwithstanding anything contained in clause (a) to (p) of sub-section (6) above-

(a) a person shall not be deemed to have incurred any disqualification under clause (d) of this sub-section by reason only of his receiving -

(i) Any pension; or

(ii) Any allowance or facility for serving as the Mayor or as a Councillor; or

(iii) Any fee for attending a meeting of any committee of the Corporation;

(b) a disqualification under clause (e) and (f) of sub-section (6) above shall not take effect until three months have elapsed since the date of such disqualification or if within the period of limitation for submitting an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of; or

(c) a person shall not be deemed to have any interest in a contract or work such as is

referred to in clause (h) of that sub-section by reason only of his having share or interest in -

- (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
 - (ii) any agreement for the loan of money or any security for the payment of money; or
 - (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
 - (iv) the sale to the Corporation or to any municipal authority or any employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, or any such employee on behalf of the Corporation, of any article of a value in either case not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or
 - (v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or
 - (vi) any agreement or contract with the Corporation or any municipal authority for taking water or electricity or any other thing which the Corporation may generally supply.
- (8) If a person sits or votes as a Councillor of the Corporation when he knows that he is not qualified or that he is disqualified to be a Councillor, he shall be liable in respect of each day on which he sits or votes to a penalty as prescribed by Government to be recovered as an arrear of tax under this Act.

Term of office of
Councillors of
Corporation.

9. Subject to the provisions of section 7 of the Act, a Councillor shall hold office for a period of five years from the date of the first meeting of the Corporation, in the case of a Councillor chosen to fill a casual vacancy, for the remainder of the term of office of his predecessor, unless -
- (a) the Corporation is dissolved earlier, or
 - (b) he resigns his office by notice, in writing, under his hand addressed to the Mayor, and, thereupon, his office shall become vacant from the date of the notice, or
 - (c) his election is void, or is declared to be void, under the provisions of any law relating to municipal elections in the State, or
 - (d) the entire area of the ward from which he has been elected is withdrawn from the operation of this Act.

Remuneration and
allowances of
Councillors.

10. The Mayor, the other members of the Empowered Standing Committee, and the other Councillors may receive such remuneration and allowances as may be prescribed by Government.

Chapter III

Municipal authorities

Municipal
authorities.

11. (1) The municipal authorities for the purposes of giving effect to the provisions of this Act shall be,-
- (i) The Corporation;
 - (ii) The Empowered Standing Committee;
 - (iii) The Mayor; and
 - (iv) The Commissioner.
- (2) The Presiding Officer of the Municipal Corporation shall be the Mayor.

- Constitution of Empowered Standing Committee for the Corporation.
12. (1) The Corporation shall consist of an Empowered Standing Committee.
- (2) The Empowered Standing Committee shall consist of the Mayor, the Deputy Mayor, and seven other Councillors.
- (3) The Deputy Mayor of the Municipal Corporation and other members of the Empowered Standing Committee shall be nominated by the Mayor from among the Councillors within a period of seven days of his/her entering office and shall assume charge after taking oath of secrecy under section 8 of the Act.
- (4) The Mayor shall be the presiding officer of the Empowered Standing Committee.
- (5) The manner of transaction of business of the Empowered Standing Committee shall be such as may be prescribed.
- (6) The Empowered Standing Committee shall be collectively responsible to the Municipal Corporation.
- Executive power of Corporation to be exercised by Empowered Standing Committee.
13. Subject to the provisions of this Act and the rules and the regulations made thereunder, the executive power of a Corporation shall be exercised by the Empowered Standing Committee.
- Election of Mayor.
14. (1) The Councillors shall, in the first meeting under section 22 of the Act, elect in accordance with such procedure as may be prescribed one of the Councillors to be the Mayor, who shall assume office forthwith after taking the oath of secrecy under section 15 of the Act.
- (2) If the Councillors fail to elect a Mayor under sub-section (1) above, the State Government shall appoint by name one of the Councillors to be the Mayor.
- (3) In the case of any casual vacancy in the office of the Mayor caused by death, resignation,

removal or otherwise, the Councillors shall, in accordance with such procedure as may be prescribed, elect one of the Councillors to fill up the vacancy.

Oath of secrecy to be taken by Mayor and members of Empowered Standing Committee.

15. (1) The Mayor and the members of the Empowered Standing Committee of a Corporation shall assume office after taking the oath of Secrecy as per Form B provided in the Schedule I of the Act.
- (2) The oath of secrecy shall be administered by the Secretary to the State Government in-charge of Municipal Affairs or his nominee not below the rank of a Deputy Secretary to the State Government.

Removal of Mayor.

16. (1) The Mayor may, at any time, by giving a notice, in writing, to the Corporation, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.
- (2) The Mayor shall cease to hold office as such if he ceases to be a Councillor.
- (3) The Mayor may be removed from office by a resolution carried by a majority of two third of the total number of Councillors holding office for the time being at a special meeting to be requisitioned for this purpose by not less than one third of the elected Councillors in the manner prescribed:

Provided that no such resolution shall be moved before the expiry of six months from the date of entering office by the Mayor.

Deputy Mayor.

17. (1) The Deputy Mayor shall, in the absence of the Mayor, preside over the meetings of the Corporation.
- (2) When -
- (a) the office of the Mayor falls vacant by reason of death, resignation, removal or otherwise; or

(b) the Mayor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions, or discharge the duties, of his office, the Deputy Mayor shall exercise the powers, perform the functions, and discharge the duties, of the Mayor until a Mayor is elected under sub-section (1) of section 14 of the Act and enters office or until the Mayor resumes his duties.

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

Term of office of Mayor and members of Empowered Standing Committee.

18.

The term of office of the Mayor and the members of the Empowered Standing Committee shall be co-terminous with the duration of the Corporation.

Delegation of powers and functions.

19.

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

(2) The Empowered Standing Committee may, by order in writing, delegate, subject to such conditions as may be specified in the order, any of its powers or functions to the Mayor or to the Commissioner.

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

(a) the Mayor may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Deputy Mayor or the Commissioner;

(b) the Commissioner may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or

functions, excluding the powers or functions under sub-section (2) of section 271 or section 280 of this Act, to any officer or other employee of the Corporation; and

(c) any officer of the Corporation, other than the Commissioner, may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to any other officer subordinate to him.

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

(a) any of its or his powers or functions delegated to it or him under this section; or

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

Reservation of office of Mayor.

20.

The office of the Mayor in the Corporation shall be reserved for the Scheduled Castes, the Scheduled Tribes and women to such extent, and in such manner, as may be prescribed by the Government time to time.

Maintenance of Roster.

21.

The Government may for the purpose of reservation of the office of the Mayor, prescribe a roster indicating reservation for Scheduled Castes, the Scheduled Tribes and Women respectively.

First meeting of the Corporation.

22.

(1) The first meeting of the Corporation after the general election of Councillors to the Corporation shall be convened within 30 days from the date of publication of the names of elected Councillors to the Municipal Corporation in the Official Gazette under the provisions of this Act.

(2) Seven days notice shall be given for the meeting.

- (3) In the case of a Municipal Corporation, the meeting shall be convened by the Secretary to the State Government, Department of Housing and Urban Affairs or any officer not below the rank of a Deputy Secretary to the State Government duly authorized by him.

Chapter IV

Organizational Structure of Corporation

Statutory Officers of Corporation

Officers of the Corporation.

23. (1) Appointment of Commissioner.- Immediately after the constitution of Municipal Corporation Government shall depute and appoint a senior officer not below the rank of Joint Secretary to the Government of Assam as Commissioner of the Corporation on such terms and conditions, as may be prescribed. He shall not be a member of the Corporation, but shall be a whole time officer of the Corporation and shall have the right to attend all the meetings of the Corporation without any right of voting.

The executive power for the purposes of carrying out the provisions of this Act shall be vested in the Commissioner, who shall also perform such duties and exercise such powers as may be prescribed.

- (2) The Government may appoint efficient officers on deputation from State Government to the posts like the Additional Commissioner, the Joint Commissioner, the Chief Engineer, the Collector, the Accounts and Audit Officer, the Medical and Health Officer, the Food Inspector, the Motor Vehicle Inspector, the Veterinary Officer, the Municipal Secretary and such other posts under the Corporation on such terms and conditions as may be prescribed in this behalf. The deputation shall be for such period as may be prescribed by Finance Department from time to time:

Provided that the Government may revert back such officers on deputation before completion of term by assigning the reasons.

- (3) The qualifications, salary, allowances, the period of service, the age of superannuation and all other conditions of service for the employees of the Corporation except for the officers referred to under sub-section (1) and (2) above shall be such as may be prescribed.

Employees of the Corporation.

24. (1) There shall be a Staff Selection Committee consisting of such officers as may be prescribed for recruitment to all category of posts and staff as per qualifications and other requirements as may be prescribed.
- (2) The existing regular employees appointed and already working in the Municipal Board notified as Corporation under the provisions of this Act shall be suitably accommodated in the Corporation as per provisions of the Service conditions as may be prescribed.

Salaries and allowances of officers and other employees.

25. All officers and other employees of a Corporation including the officers referred to in section 23 of the Act shall receive salaries and allowances out of the Municipal Fund:

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

Leave and other conditions of service.

26. All officers and other employees of the Corporation shall be subject to such conditions of service including leave and other benefits, as may be prescribed.

Chapter V**Functional Domain of Municipalities**Core municipal
functions.

27. (1) (a) The Corporation shall provide on its own or arrange to provide through any agency the following core municipal services:-
- (i) water-supply for domestic, industrial, and commercial purposes,
 - (ii) drainage and sewerage,
 - (iii) solid waste management,
 - (iv) preparation of plans for economic development and social justice,
 - (v) communication system including construction and maintenance of roads, footpaths, pedestrian pathways, transportation terminals, both for passengers and goods, bridges, over-bridges, subways, ferries, and inland water transport system,
 - (vi) transport system accessories including traffic engineering schemes, street furniture, street lighting, parking areas, and bus stops,
 - (vii) community health and protection of environment including planting and caring of trees on road sides and elsewhere,
 - (viii) markets and slaughterhouses,
 - (ix) promotion of educational, sports and cultural activities, and
 - (x) aesthetic environment, and
- (b) perform such other statutory or regulatory functions as may be provided by or under this Act or under any other law for the time being in force.

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

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

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

Other functions.

28.

A Corporation may, having regard to the satisfactory performance of its core functions which shall constitute the first charge on the Municipal Fund, and subject to its managerial, technical and financial capabilities, undertake or perform, or promote the performance of, any of the following functions:-

- (1) in the sphere of town planning, urban development and development of commercial infrastructure, -
 - (a) planned development of new areas for human settlement;
 - (b) measures for beautification of the Corporation area by setting up parks and fountains, providing recreational areas, improving river banks, and landscaping;
 - (c) collection of statistics and data, significant to the community; and
 - (d) integration of the development plans and schemes of the Corporation area with the district or regional development plan, if any.

-
- (2) in the sphere of protection of environment, -
- (a) reclamation of waste lands, promotion of social forestry and maintenance of open spaces;
 - (b) establishment and maintenance of nurseries for plants, vegetables and trees and promotion of greenery through mass participation,
 - (c) organization of flower-shows and promotion of flower-growing as a civic culture, and
 - (d) promotion of measures for abatement of all forms of pollution;
- (3) in the sphere of public health and sanitation, -
- (a) mass inoculation campaigns for eradication of infectious diseases,
 - (b) construction and maintenance of municipal markets and slaughter houses and regulation of all markets and slaughter houses,
 - (c) reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances,
 - (d) maintenance of all public tanks and regulating the re-excavation, repair and up-keep of all private tanks, wells and other sources of water-supply on such terms and conditions as the Corporation may deem proper,
 - (e) construction and maintenance of cattle pounds,
 - (f) provision for unfiltered water-supply for non-domestic uses,
 - (g) advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences, and

- (h) measures for eradication of addiction of all kinds including addiction to drugs and liquor;
- (4) in the sphere of education and culture, -
- (a) promotion of civic education, adult education, social education and non-formal education,
 - (b) promotion of cultural activities including music, physical education, sports and theatres and infrastructure thereof,
 - (c) advancement of science and technology in urban life,
 - (d) publication of municipal journals, periodicals and souvenirs, purchase of books, and subscription to journals, magazines and newspapers,
 - (e) installation of statues, portraits and pictures in appropriate manner,
 - (f) organization, establishment and maintenance of art galleries and botanical or zoological collections, and
 - (g) maintenance of monuments and places of historical, artistic and other importance;
- (5) in the sphere of public welfare, -
- (a) establishment and maintenance of shelters, in times of drought, flood, earthquake, or other natural or technological disasters, and relief works, for, destitute persons within the limits of the Corporation area,
 - (b) construction or maintenance of, or provision of aids to, hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres,
 - (c) provision of shelter for the homeless,

- (d) implementation programmes for liberation and rehabilitation of scavengers and their families,
 - (e) organization of voluntary labour and co-ordination of activities of voluntary agencies for community welfare, and
 - (f) campaigns for dissemination of such information as is vital for public welfare; and
- (6) In the sphere of community relations, -
- (a) civic receptions to persons of distinction and paying homage on death to persons of repute,
 - (b) organization and management of fairs and exhibitions, and
 - (c) dissemination of information of public interest.

Chapter VI

Conduct of Business

A. Transaction of Business by the Corporation

- Meetings.
29. (1) The Corporation shall meet not less than once in every month for the transaction of its business.
- (2) The Mayor may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fifth of the Councillors, convene a meeting of the Corporation.
- Notice of meeting and list of business.
30. A list of business to be transacted at every meeting of the Corporation, except at an adjourned meeting, shall be sent to the registered address of each Councillor at least seventy-two hours before the time fixed for such meeting, and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given:

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

Provided further that any Councillor may send or deliver to the Municipal Secretary notice of any resolution so as to reach him at least forty-eight hours before the time fixed for the meeting, and the Municipal Secretary shall, with all possible despatch, take steps to circulate such resolution to every Councillor in such manner as he may think fit:

Provided also that no business, which has no relevance to the business of the Corporation, shall be brought before the Corporation.

Quorum for transaction of business at a meeting of Corporation and method of deciding questions.

31. (1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fifth of the total number of Councillors.
- (2) If at any time during a meeting of the Corporation there is no quorum, it shall be the duty of the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.
- (3) Where a meeting has been adjourned under sub-section (2) above, the business which would have been brought before such meeting shall be brought before, and may be transacted at, the adjourned meeting, and no quorum shall be necessary for such adjourned meeting.
- (4) All matters required to be decided at a meeting of the Corporation shall, save as otherwise provided in this Act, be determined by a majority of votes of the Councillors present and voting.
- (5) The voting shall be by show of hands, provided that the Corporation may, subject to such regulations, resolve that any question, or class of questions, shall be decided by secret ballot.
- (6) At any meeting of the Corporation, where a poll is taken on a resolution before it, the votes of all the Councillors present who desire to

vote shall be taken under the direction of the presiding officer of such meeting, who shall declare such resolution to have been carried or lost, as the case may be, in accordance with the result of such poll.

- (7) At any meeting of the Corporation, unless a poll is demanded by at least one-tenth of the Councillors present, a declaration by the presiding officer of such meeting that a resolution has been carried or lost in such meeting, and an entry to that effect in the minutes of the proceedings of such meeting shall, for the purposes of this Act, be conclusive evidence of the fact that such resolution has been carried or lost, as the case may be.

Presiding officer of a meeting of Corporation.

32. (1) The Mayor shall preside at every meeting of the Corporation:

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

- (2) The Mayor or the person presiding over a meeting of the Corporation, shall also have, and may exercise, a casting vote in all cases of equality of votes.

Maintenance of order at a meeting of Corporation and withdrawal and suspension of Councillors.

33. (1) The Presiding Officer of a meeting of the Corporation shall preserve order thereat and shall have all the powers necessary for the purpose of preserving such order.

- (2) The Presiding Officer of a meeting may direct any Councillor, whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the meeting, and every Councillor so directed shall do so forthwith and shall absent himself during the remainder of the meeting.

Councillor having pecuniary interest in any contract etc. with Corporation.

34. (1) If a Councillor has any pecuniary interest, direct or indirect, in any contract or proposed contract with or without employment under,

or other matter concerning, the Corporation and is present at a meeting of the Corporation or of a committee thereof at which such contract or employment or other matter is subject of consideration, he shall, as soon as practicable after the commencement of such meeting, disclose the fact regarding such contract or employment or other matter, and shall not take part in the consideration or discussion of, or vote on, any question with respect to such contract or employment or other matter:

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

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

Provided that,-

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

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

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

Meeting to be ordinarily open to public.

35. (1) Every meeting of the Corporation shall be open to the public, unless a majority of the Councillors present at the meeting decides by a resolution, which shall be put by the presiding officer either on his own motion or at the request of any such Councillor, that any enquiry or deliberation pending before the Corporation shall be held in private.
- (2) The Corporation may make regulations providing for the admission of strangers to its meeting and for the removal by force, if necessary, of any stranger for interrupting or disturbing the proceedings of the meeting.

Right of Commissioner and other Officers to attend meeting of Corporation and Committees etc.

36. The Commissioner, or any other officer of the Corporation authorized by him in writing in this behalf, may attend any meeting of the Corporation or of any of its committees.

Right of Councillor to ask questions.

37. (1) A Councillor may, subject to the provisions of sub-section (2), ask the Empowered Standing Committee questions on any matter relating to the administration of the Corporation, and all such questions shall be addressed to the Empowered Standing Committee and shall be answered either by the Mayor or by any other member of the Empowered Standing Committee.
- (2) The right to ask a question shall be governed by the following conditions, namely:-

- (a) not less than seven working days notice, in writing, specifying the question shall be given to the Municipal Secretary;
- (b) no question shall -
 - (i) bring in any name or statement not strictly necessary to make the question intelligible,
 - (ii) Contain arguments, ironical expressions, imputations, epithets or defamatory statements,
 - (iii) ask for an expression of opinion or the solution of a hypothetical proposition,
 - (iv) ask as to the character or conduct of any person except in his official or public capacity,
 - (v) relate to a matter which is not primarily the concern of the Corporation,
 - (vi) make or imply a charge of a personal character,
 - (vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,
 - (viii) repeat in substance questions already answered or to which an answer has been refused,
 - (ix) ask for information on trivial matters,
 - (x) ask for information on matters of past history,
 - (xi) ask for information set forth in accessible documents or in ordinary works of reference,

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

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

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

(4) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (2) above, the matter shall be decided by the Presiding Officer, whose decision shall be final.

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

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

Discussion on urgent public matters.

38. (1) Any Councillor may give notice of raising discussion on a matter of urgent public importance to the Municipal Secretary, stating clearly the matter to be raised.
- (2) Such notice, supported by the signatures of at least two other Councillors, shall reach the Municipal Secretary at least forty-eight hours before the date on which such discussion is sought, and the Municipal Secretary shall immediately place it before the Mayor and circulate the notice among the Councillors in such manner as he may think fit.

- (3) The Mayor may admit for discussion such notice as may appear to him to be of sufficient public importance and allow such time for discussion as he may consider appropriate.
- (4) There shall be no formal resolution or voting on such discussion.

Asking for
statement from
Empowered
Standing
Committee.

- 39.
- (1) Any Councillor may ask for a statement from the Empowered Standing Committee on an urgent matter relating to the administration of the Corporation by giving notice to the Municipal Secretary at least one hour before the commencement of the meeting of the Corporation on any day.
 - (2) The Mayor or a member of the Empowered Standing Committee may either make a brief statement on the same day or fix a date for making such statement.
 - (3) Not more than two such matters shall be raised at the same meeting and, in the event of more than two matters being raised, priority shall be given to the matters which are, in the opinion of the Mayor, more urgent and important.
 - (4) There shall be no debate on such statement at the time it is made.

B. Minutes and Proceedings

Keeping of
minutes and
proceedings.

- 40.
- Minutes of each meeting of the Corporation and of a committee of the Corporation recording therein the names of the Councillors present at such meeting and the proceedings of each such meeting shall be drawn up and entered in a book to be kept for that purpose and shall be laid before the next meeting of the Corporation or such committee, as the case may be, and signed at such meeting by the Presiding Officer thereof.

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| Circulation and inspection of minutes. | 41. | Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the Councillors and shall, at all reasonable times, be available at the office of the Corporation for inspection by any Councillor, free of cost, and by any other person on payment of such fee as the Corporation may determine. |
| Forwarding of minutes to State Government. | 42. | <p>(1) The Municipal Secretary shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Corporation or a committee of the Corporation as early as possible.</p> <p>(2) The State Government may, in any case, call for a copy or copies of all or any of the papers laid before the Corporation or any committee of the Corporation and, thereupon, the Municipal Secretary shall forward to the State Government a copy or copies of such paper or papers.</p> |
| Rules relating to conduct of business of Corporation. | 43. | The State Government may, by rules, provide for such matters, not provided in this Act, relating to the conduct of business of the Corporation or of its committees, as it may deem necessary. |

C. Validation

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|-------------------------------------|-----|--|
| Validation of acts and proceedings. | 44. | <p>(1) No act or proceeding of the Corporation or of any committee of the Corporation shall be called in question merely on the ground of -</p> <p>(a) the existence of any vacancy in, or any defect, initial or subsequent, in the constitution of, the Corporation or any committee of the Corporation, or</p> <p>(b) any Councillor having voted or taken part in any proceeding in contravention of the provisions of section 34 of the Act, or</p> <p>(c) any defect or irregularity not affecting the merit of any case to which such defect or irregularity relates.</p> |
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- (2) Every meeting of the Corporation or any committee of the Corporation, the minutes of the proceedings of which have been duly signed under section 40 of the Act, shall be deemed to have been duly convened and to be free from any defect or irregularity.

Chapter VII

Direction and Control

Power of State Government to call for records etc.

45. The State Government may, at any time, require any municipal authority -
- (a) to produce any record, correspondence, or other documents,
 - (b) to furnish any return, plan, estimate, statement, accounts, or statistics, and
 - (c) to furnish or obtain any report,
- and thereupon such municipal authority shall comply with such requirement.

Power of State Government to depute officers to make inspection or examination and report.

46. The State Government may depute any of its officers to inspect or examine any department, office, service, work or property of the Corporation and to report thereon, and such officer may, for the purpose of such inspection or examination, exercise all the powers of the State Government under section 45 of the Act:

Provided that such officer shall be not below the rank of a Deputy Secretary to the State Government in the case of a Municipal Corporation.

Power of State Government to require municipal authorities to take action.

47. If, after considering the records required under section 45, or the report under section 46 of the Act, or any information received otherwise by the State Government, the State Government is of opinion that -

- (a) any action taken by a municipal authority is unlawful or irregular or any duty imposed on such authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or
- (b) adequate financial provision has not been made for the performance of any duty under this Act,

the State Government may, by order, require such municipal authority to regularize such unlawful or irregular action or perform such duty or restrain such authority from taking such unlawful or irregular action or direct such authority to make, to the satisfaction of the State Government, within such period as may be specified in the order, arrangement, or financial provision, as the case may be, for the proper performance of such duty:

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

Power of State Government to provide for enforcement of order under section 45.

48. (1) If no action has been taken in accordance with the order under section 47 of the Act within the period specified therein or if no cause has been shown under the proviso to that section or if the cause shown is not to the satisfaction of the State Government, the State Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed from the Municipal Fund.
- (2) For the purposes of sub-section (1) above, it shall be lawful for the State Government to appoint, for such period as the State

Government may think fit, any person considered suitable by it, who shall exercise and perform, subject to such directions as the State Government may issue from time to time, all or any of the powers and functions of the municipal authorities necessary to implement the order under section 47 of the Act.

Power of State Government to dissolve Corporation.

49. (1) If, in the opinion of the State Government, the Corporation has shown its incompetence, or has persistently made default, in the performance of the duties, or in the exercise of the functions, imposed on it by or under this Act or any other law for the time being in force, or has exceeded or abused its powers, or is unable to function under the provisions of this Act, the State Government may, subject to the provisions of sub-section (2) above, by an order published in the Official Gazette, and stating the reasons therefor, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and dissolve it for such period, not exceeding six months, and with effect from such date, as may be specified in the order.
- (2) (a) Before making any order under sub-section (1) above, a notice shall be given by the State Government to the Corporation calling upon it to submit representation, if any, against the proposed order within such period as may be specified in the notice.
- (b) On receipt of such representation, if any, the State Government shall constitute a committee consisting of five persons, nominated by the State Government, of whom -
- (i) Concerned Deputy Commissioner of the district who shall be the Chairperson of the Committee,
- (ii) one shall be the Mayor of any other Municipal Corporation,

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

(iv) one shall be an Engineer, and

(v) one shall be an officer of the State Government, not below the rank of a Deputy Secretary,

and shall forward the representation to the committee for its consideration and report within such time as the State Government may specify.

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

Provided that notwithstanding anything contained in sub-section (1) above, no order of dissolution of the Corporation shall be made without giving the Corporation an opportunity of being heard.

Consequences of
dissolution.

50.

Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of the order of dissolution under sub-section (1) of section 49 of the Act,-

(a) all the Councillors including the members of the Empowered Standing Committee and of any committee of the Corporation constituted under this Act, and the Mayor and the Deputy Mayor shall vacate their respective offices, and

(b) all the powers and duties which, under the provisions of this Act or the rules or the regulations made thereunder or any other law for the time being in force, may be exercised or performed by such officer as may be appointed by State Government of

appropriate seniority who shall be designated as Administrator during the time of supersession:

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

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

FINANCIAL MANAGEMENT OF THE CORPORATION

Chapter -VIII

Municipal Finance and Municipal Fund

Implementation of recommendations of State Finance Commission.

51. After taking into consideration the recommendations of the State Finance Commission constituted under article 243Y, read with article 243-I of the Constitution of India, the State Government shall determine -
- (a) the devolution of net proceeds of the taxes, duties, tolls and fees to the Municipalities,
 - (b) the assignment of taxes, duties, tolls and fees to the Municipalities,
 - (c) the sanction of grants-in-aid to the Municipalities from the Consolidated Fund of the State, and
 - (d) the other measures required to improve the financial position of the Corporation.

Financial assistance from State Government.

52. (1) The State Government, may, from time to time, give grants or financial assistance to the Corporation with or without direction as to the

manner in which such grants or financial assistance shall be applied.

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

Municipal Fund.

53.

- (1) There shall be a fund to be called the Municipal Fund which shall be held by the Corporation in trust for the purposes of this Act, and all moneys realized or realizable under this Act and all moneys otherwise received by the Corporation shall be credited thereto.
- (2) The receipts and expenditures of the Corporation shall be kept under such heads of accounts, including those for water-supply, drainage and sewerage, solid waste management, road development and maintenance, slum services, commercial projects and other account heads as may be specified and the general account head, in such manner, and in such Form, as may be prescribed, so as to facilitate the imposition of user charges and preparation of any subsidy report under this Act.
- (3) Every head of account specified under subsection (1) above, shall be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

Chapter IX

Application of Municipal Fund

Application of
Municipal Fund.

54.

The moneys credited to the Municipal Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder and

Payments not to be made out of Municipal Fund unless covered by budget grant.

55.

for payment of all sums payable out of the Municipal Fund under any other law for the time being in force.

No payment of any sum out of the Municipal Fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available, notwithstanding any reduction or transfer thereof under the provisions of this Act:

Provided that this section shall not apply to any payment in the following cases:-

- (a) refund of taxes and other moneys which are authorized by this Act,
- (b) repayment of moneys belonging to contractors or other persons and held in deposit and all moneys collected by the Corporation or credited to the Municipal Fund by mistake,
- (c) temporary payment for works urgently required by the State Government in the public interest,
- (d) expenses incurred by the Corporation on special measures on the outbreak of dangerous diseases, natural or technological hazards or in any other emergent case,
- (e) sums payable as compensation under this Act or the rules or the regulations made thereunder,
- (f) sums payable –
 - (i) under orders of the State Government on failure of the Corporation to take any action required by the State Government under any provision of this Act, or
 - (ii) under any other law for the time being in force, or

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

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

(v) on account of the cost incurred in taking immediate action by any of the municipal authorities to avert a sudden threat or danger to the property of the Corporation or to human life, and

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

Procedure when money not covered by budget grant is paid.

56. Whenever any sum is paid in any of the cases referred to in the proviso to section 55 of the Act, the Commissioner shall forthwith communicate the circumstances of such payment to the Mayor, and, thereupon, the Mayor may take, or recommend to the Corporation to take, such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payment.

Temporary payment from Municipal Fund for works urgently required in public interest.

57. (1) On a requisition, in writing, by the State Government, the Empowered Standing Committee may, at any time, require the Commissioner to undertake the execution of any work certified by the State Government to be urgently required in the public interest and, for this purpose, to make payment for such work from the Municipal Fund in so far as such payment may be made without unduly interfering with the regular work of the Corporation.

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

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

Power to incur expenditure beyond the limits of Corporation.

58. Notwithstanding anything contained elsewhere in this chapter, the Corporation may, with the approval of the State Government, authorize expenditure to be incurred beyond the limits of the Municipal Corporation area for creation of physical assets relating to the core functions of the Corporation outside the limits of such Municipal Corporation area and for maintenance thereof for carrying out the purposes of this Act.

Exclusive use of Fund for particular purpose.

59. Notwithstanding anything contained elsewhere in this chapter, the State Government may, by order, require the Corporation to earmark a particular portion of the Municipal Fund or a particular grant or a part thereof, or any item of receipt under any head of account, or any percentage thereof, or any share of tax receivable by the Corporation other than taxes, duties and fines assigned to the Corporation under this Act or any part thereof, to be utilized exclusively for such purpose related to municipal functions as may be specified by the State Government, and it shall be the duty of the Corporation to act accordingly.

Operation of accounts.

60. Subject to other provisions of Act, payment from the Municipal Fund shall be made in such manner as may be determined by regulations, and the heads of accounts referred to in Section 53 of the Act shall be operated by such officers of the Corporation as may be authorised by the Corporation by regulations.

Investment of Surplus money.

61. (1) Surplus moneys standing at the credit of any of the heads of accounts of the Municipal Fund which are not required, either immediately or at any early date, to be applied for the

purposes of this Act by the Corporation, may, in accordance with such regulations as may be made by the Corporation in this behalf, be transferred by the Corporation, either in whole or in part, to any other head of account of the Municipal Fund:

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

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

- (2) Surplus moneys which are not transferred under sub-section (1) above may be invested in public securities or small savings schemes, approved by the State Government, or deposited at interest with such scheduled bank as may be determined by the Empowered Standing Committee.
- (3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

Chapter X

Budget Estimates

Preparation of budget estimate of Corporation.

62. (1) The Commissioner shall prepare in each year a budget estimate along with an establishment Schedule of the Corporation for the ensuing year, and such budget estimate shall be an estimate of the income and expenditure of the Corporation.

- (2) Subject to the provisions of sub-section (2) of section 53 of the Act, the budget estimate shall separately state the income and the expenditure of the Corporation to be received and incurred in terms of the various heads of accounts.
- (3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Corporation in the year next following.
- (4) The budget estimate shall state the amount of money to be raised as loan during the year next following.
- (5) The Mayor shall present the budget estimate to the Corporation on the 15th day of February in each year or as soon thereafter as possible.
- (6) The budget estimate shall be prepared, presented and adopted in such Form and in such manner, and shall provide for such matters, as may be prescribed.
- (7) The annual statements prepared under sub-section (2) of section 82 and sub-section (1) of section 85 of the Act together with the reports prepared under sub-section (1) of section 63 and under sub-section (2) of section 216 of the Act shall be enclosed with the budget estimate.

Report on services provided at subsidized rate.

63. (1) The Commissioner shall, while preparing the budget estimate, append thereto a report indicating whether the following services are being provided at a subsidized rate and, if so, the extent of the subsidy, the reasons therefor, the source from which the subsidy is being met, and the sections or categories of the local population who are the beneficiaries of such subsidy, namely:-
 - (a) water-supply and disposal of sewage,

(b) scavenging, transporting and disposal of solid wastes, and

(c) streetlight.

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

Sanction of budget estimate of Corporation.

64. (1) The Corporation shall consider the budget estimate and the recommendations, if any, of the Empowered Standing Committee thereon, and shall, by the fifteenth day of March in each year, adopt the budget estimate for the ensuing year with such changes as it may consider necessary, and submit the budget estimate so adopted to the State Government, in the case of a Municipal Corporation.

(2) The budget estimate received by the State Government under sub-section (1) above shall be returned to the Corporation before the thirty-first day of March of that year with or without modifications of the provisions relating to subventions by the State Government.

Chapter XI

Accounts and Audit

Maintenance of accounts.

65. The Commissioner shall prepare and maintain accounts of receipts and expenditures of the Corporation in such Form, and in such manner, as may be prescribed.

Preparation of Municipal Accounting Manual.

66. The State Government shall prepare and maintain a Manual to be called the Municipal Accounting Manual containing details of all financial matters and procedures relating thereto in respect of the Corporation.

Financial statement.

67. (1) The Commissioner shall, within four months of the close of a year, cause to be prepared a financial statement containing an income and expenditure account and a receipts and payments account for the preceding year in respect of the accounts of the Corporation.
- (2) The Form of the financial statement, and the manner in which the financial statement shall be prepared, shall be such as may be prescribed.

Balance sheet.

68. (1) The Commissioner shall, within four months of the close of a year, cause to be prepared a balance sheet of the assets and the liabilities of the Corporation for the preceding year.
- (2) The Form of the balance sheet, and the manner in which the balance sheet shall be prepared, shall be such as may be prescribed.

Submission of financial statement and balance sheet to Auditor.

69. The financial statement prepared under section 67 of the Act and the balance sheet of the assets and the liabilities shall be placed by the Commissioner before the Empowered Standing Committee which, after examination of the same, shall adopt and remit them to the Auditor as may be appointed in this behalf by the State Government.

Power of Auditor.

70. (1) The municipal accounts as contained in the financial statement, including the accounts of special funds, if any, and the balance sheet shall be examined and audited by an Auditor appointed by the State Government from the panel of professional chartered accountants prepared in that behalf by the State Government.
- (2) The Commissioner shall submit such further accounts to the Auditor as may be required by him.

-
- (3) The Auditor so appointed may –
- (a) require, by a notice, in writing, the production before him, or before any officer subordinate to him, of any document which he considers necessary for the proper conduct of the audit,
 - (b) require, by a notice, in writing, any person accountable for, or having the custody or control of, any document, cash or article, to appear in person before him or before any officer subordinate to him,
 - (c) require any person so appearing before him, or before any officer subordinate to him, to make or sign a declaration with respect to such document, cash or article or to answer any question or prepare and submit any statement, and
 - (d) cause physical verification of any stock of articles in course of examination of accounts.
- (4) The Auditor, or the officer subordinate to him, may report any item of accounts contrary to the provisions of this Act to the Empowered Standing Committee.
- (5) The Empowered Standing Committee shall consider the report of the Auditor as early as possible and shall, if necessary, take prompt action thereon, and shall also, if necessary, surcharge the amount of any illegal payment on the person making or authorizing it, and charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into account by such person, and shall, in every such case, certify the amount due from such person:

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

- (6) Any person who wilfully neglects, or refuses to comply with, the requisition made by an Auditor, or the officer subordinate to him, shall, on conviction by a court, be punishable with fine which may extend to such amount as may be prescribed.

Audit report.

71. (1) As soon as practicable after the completion of audit of the accounts of the Corporation, but not later than the thirtieth day of September each year, the Auditor shall prepare a report of the accounts audited and examined and shall send such report to the Commissioner.
- (2) The Auditor shall include in such report a statement showing –
- (a) every payment which appears to the Auditor to be contrary to law,
 - (b) the account of any deficiency or loss, which appears to have been caused by gross negligence or misconduct of any person,
 - (c) the account of any sum received which ought to have been, but has not been, brought into account by any person, and
 - (d) any other material impropriety or irregularity in the accounts.

Placing of audited accounts before Corporation.

72. (1) The Commissioner shall place the audited financial statement, the balance sheet and the report of the Auditor and his comments thereon before the Empowered Standing Committee which, after the examination thereof, shall place them before the Corporation with its comments, if any.

- (2) The Commissioner shall remedy any defect that has been pointed out by the Auditor in his report.
- Submission of audited accounts. 73. (1) The Commissioner shall, after adoption of the financial statement and the balance sheet and the report of the Auditor by the Corporation, forward the same to the State Government together with a report of the action taken thereon by the Corporation and shall also send copies thereof to the Auditor.
- (2) If there is any difference of opinion between the Auditor and the Corporation or if it does not correct the defects or the irregularities mentioned in the report of the Auditor within a reasonable period, the Auditor shall refer the matter to the State Government whose decision thereon shall be final and binding.
- Power of State Government to enforce order upon audit report. 74. If any order made by the State Government under this chapter is not complied with, it shall be lawful for the State Government to take such steps as it thinks fit to secure the compliance of the order and to direct that all expenses therefor shall be defrayed from the Municipal Fund.
- Special audit. 75. In addition to the audit of annual accounts, the State Government or the Corporation may, if it thinks fit, appoint an Auditor to conduct special audit pertaining to a specified item or series of items requiring thorough examination, and the procedure relating to audit shall apply mutatis mutandis to such special audit.

Chapter XII**Municipal Property**

Power to acquire
and hold property.

76.

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

Vesting of
property.

77.

Notwithstanding anything contained in any other law for the time being in force, the movable and the immovable properties of the following categories within the limits of a Municipal Corporation area, not belonging to any Government department or statutory body or corporation, shall vest in the Corporation, unless the State Government directs otherwise by notification, namely:-

- (a) all public tanks, streams, reservoirs, and wells,
- (b) all public markets and slaughterhouses,
- (c) all public sewers and drains, channels, tunnels, culverts and watercourses in, alongside, or under, any street,
- (d) all public streets and pavements, and stones and other materials thereon, and also trees on such public streets or pavements not belonging to any private individual,
- (e) all public parks and gardens, including squares and public open spaces,
- (f) all public ghats on rivers or streams or tanks,
- (g) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto,

- (h) all public places for disposal of the dead, excluding those governed by any specific law in this behalf,
- (i) all solid wastes collected on a public street or public place, including dead animals and birds, and
- (j) all stray animals not belonging to any private person.

Acquisition of property by Corporation by agreement, exchange, lease, grant, etc.

78. (1) The Corporation may, on such terms and conditions as may be approved by it, acquire by agreement –
- (a) any immovable property, and
 - (b) any easement affecting immovable property.
- (2) The Corporation may also acquire any property by exchange on such terms and conditions as may be approved by it.
- (3) The Corporation may also hire or take on lease immovable property on such terms and conditions as may be approved by it from time to time.
- (4) The Corporation may receive any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which the Corporation may be benefited in the discharge of any of its functions.
- (5) It shall be lawful for the Corporation to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920, or the Indian Trusts Act, 1882.

Central Act 14 of 1920.
Central Act 2 of 1882.

Compulsory acquisition of land.

79. (1) When any land, whether within or outside the limits of the Municipal Corporation area, or any easement affecting any immovable property

vested in the Corporation, is required for any public purpose under this Act, the State Government may, at the request of the Corporation, proceed to acquire such land or easement under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Central Act 30
of 2013.

(2) The Corporation shall be bound to pay to the State Government the cost including all charges in connection with the acquisition of the land under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Central Act 30
of 2013.

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

Special provisions
for acquisition of
lands adjoining
streets.

80.

Whenever the Corporation makes a request to the State Government for acquisition of land for the purpose of widening or improving an existing street, it shall be lawful for the Corporation to apply to the State Government for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

Disposal of
property.

81.

Any property belonging to the Corporation may be disposed of in the manner hereinafter provided, namely:-

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

(b) the Corporation may, with the prior approval of the State Government, for valuable consideration, sell or otherwise transfer, any immovable property belonging to the Corporation which is not required for carrying out the purposes of this Act.

Inventory of properties of Corporation.

82. (1) The Empowered Standing Committee shall maintain a register and a map of all the immovable properties of which the Corporation is the owner or which vest in it, or which the Corporation holds in trust for the Government, and a register of all movable properties belonging to the Corporation.
- (2) The Empowered Standing Committee shall, in the case of the inventory of an immovable property, prepare an annual statement indicating the changes, if any, in the said inventory and shall place the same before the Corporation along with the budget estimate.

Chapter XIII

Borrowings

Comprehensive debt limitation policy.

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

Power of
Corporation to
raise loan.

84. The Corporation may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Corporation, a loan within the limits set by the comprehensive debt limitation policy framed under section 83 of the Act, by the issue of debentures or otherwise, on the security of the property tax or of all or any of the other taxes, surcharges, cesses and fees and dues under this Act or of both the property tax and all or any of the other taxes, surcharges, cesses and fees and dues under this Act, or on the guarantee by the State Government, of any sum of money which may be required for the purpose of –
- (a) construction of works under this Act, or
 - (b) acquisition of lands and buildings for the purposes of this Act, or
 - (c) paying off any debt due to the State Government, or
 - (d) repayment of a loan raised under this Act, or
 - (e) acquisition of a public utility concern which renders such services as the Corporation is authorized to render under this Act, or
 - (f) purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Act, or
 - (g) any other purpose for which the Corporation is, by or under this Act or any other law for the time being in force, authorized to borrow.

Annual statement.

85. (1) The Commissioner shall, at the end of every year, prepare, and submit to the Corporation, an annual statement showing –

- (a) the amount which has been paid into the Sinking Fund or Sinking Funds during the year, if any,
 - (b) the date of the last investment made during the year,
 - (c) the aggregate amount of the securities in the hand of the Corporation at the end of the year, and
 - (d) the aggregate amount which has been applied for the purpose of repayment of any loans.
- (2) A copy of every such annual statement shall be submitted to the State Government by the Commissioner.

MUNICIPAL REVENUE

Chapter XIV

Sources of Internal Revenues

Internal revenues of Corporation.

86. The internal revenues of the Corporation shall consist of its receipts from the following sources:-
- (a) taxes levied by the Corporation,
 - (b) user charges levied for provision of civic services, and
 - (c) fees and fines levied for performance of regulatory and other statutory functions.

Power to levy taxes.

87. (1) The Corporation shall have, for the purposes of this Act, the power to levy the following taxes:-
- (a) property tax on lands and buildings,
 - (b) surcharge on transfer of lands and buildings,

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

(d) water tax,

(e) Taxes on professions/callings,

(f) Tax on advertisements, other than advertisements published in newspapers,

(g) surcharge on entertainment tax,

(h) tax on congregations,

(i) toll -

(i) on roads, bridges and ferries, and

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

Central Act 59
of 1988.

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

(3) The levy, assessment and collection of taxes mentioned in sub-section (1) above, shall be in accordance with the provisions of this Act and the rules and the regulations made thereunder.

Power to levy user charges.

88.

The Corporation shall levy user charges for –

(a) provision of water-supply, drainage and sewerage,

(b) solid waste management,

(c) parking of different types of vehicles in different areas and for different periods, and

(d) other specific services rendered in pursuance of the provisions of this Act,

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

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

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

Power to levy fees and fines.

89.

The Corporation shall have the power to levy fees and fines in exercise of the regulatory powers vested in it by or under this Act or the rules or the regulations made thereunder for -

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

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

(c) licensing of -

(i) Various categories of professionals such as plumbers and surveyors,

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

(iii) sites used for advertisements or premises used for private markets, slaughter-houses, hospitals, nursing homes, clinics, factories, warehouses, godowns, goods transport depots,

eating-houses, lodging- houses, hotels, theatres, cinema-houses and places of public amusement and for other non-residential uses,

(iv) animals,

(v) carts or carriages, and

(vi) such other activities as require a licence or permission under the provisions of this Act, and

(d) issue of birth and death certificates.

Levy of surcharge on tax or fee.

90.

The Corporation may levy a surcharge on a tax, or user charge, or fee on a premises used for non-residential purposes at such rate, as may be prescribed.

Power to levy development charge.

91.

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

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

92.

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

Chapter XV**The Property Taxes****Tax on Lands and Buildings and Related Taxes*****A. Property tax on lands and buildings, surcharges and rebates***

Property tax on
lands and
buildings.

93. (1) For the purposes of this Act, a property tax determined under this chapter on the annual value of any land or building in the Municipal Corporation area, including any land or building belonging to the State Government, or the Corporation, or any undertaking or public sector corporation under the control of the State Government or the Corporation, but excluding any land or building specifically exempted under this Act, shall be levied by the Corporation.
- (2) The rate of such property tax shall be, as determined by the Municipal Valuation Committee as per the bye-laws or rules framed by the Government to carry out the provisions of this Chapter.
- (3) The amount of property tax determined under this chapter may be linked to the consumer price index of urban non-manual workers for a year in which a general valuation of all lands and buildings within the Municipal Corporation area has been made, and it shall be lawful to realise the amount of such tax so determined on a yearly basis according to the changes in the aforesaid index till the next general valuation of such lands and buildings.
- (4) In calculating the amount of property tax and the amount payable per quarter after allowing rebate for timely payment, the fraction of a rupee shall be rounded off to the nearest rupee, fifty paise being treated as one rupee.

Property tax on
Central
Government
properties.

94. Notwithstanding anything contained in this Act, any land or building which is the property of the Central Government shall, save in so far as Parliament by law otherwise provides, be exempt from the property tax:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent the Corporation from levying any tax on any property of the Central Government to which such property was immediately before the commencement of the Constitution of India liable or treated as liable, so long as the property tax continues to be levied by the Corporation.

Rate of property
tax on any land,
hut or building in
a slum.

95. The rate of property tax shall not exceed, in respect of any land, hut or building in a slum, two-thirds of the rate of tax on land, hut or building not located in a slum as provided in this chapter.

Surcharge.

96. (1) The Corporation may, where any land or building or hut or portion thereof is used for any non-residential purpose, may levy a surcharge on the property tax on such land or building or hut or portion thereof at such rate, as may be prescribed by the rules / bye-laws:

Provided that where any portion of any land or building or hut is used for any non-residential purpose, the amount of the property tax payable in respect of such portion of land or building or hut shall, while fixing the property tax for the entire land or building or hut, be separately calculated:

Provided further that the Corporation may, subject to such bye-laws as may be made in this behalf for the grant of exemption from surcharge in respect of any class or classes of lands or buildings or huts used for educational, public health, medical, cultural or sports purposes, exempt any such land or building or hut from payment of the surcharge.

(2) For the avoidance of doubt, it is hereby declared that for the purposes of sub-section (1) above, "educational, public health, medical, cultural or sports purposes" shall mean -

(a) the purposes of education intended to be imparted by a Government school or Government-aided school or municipal school or any other educational institution affiliated to any university or the All-India Council for Technical Education, and

(b) the purposes of public health, medical treatment, cultural functions or sports, ensured or organized by a Government institution or Government-aided institution or the Corporation or an institution aided by the Corporation or any other public institution, not being a Government institution.

Additional surcharge.

97. The Corporation may levy an additional surcharge at a rate as may be prescribed by the bye-laws on such land or building or hut or portion thereof as is rented out:

Provided that in the case of any building which is partly occupied and partly rented out, the additional surcharge shall be levied only on the annual value of the rented portion.

Exemption of lands and buildings from property tax.

98. (1) Notwithstanding anything contained in the foregoing provisions of this chapter,-

(a) any land or building or portion thereof exclusively used for the purpose of public worship, or

(b) any land or building exclusively used for the purpose of public burial or as cremation ground, or any other place used for the disposal of the dead duly registered under this Act, or

(c) any land or building exclusively owned and maintained by charitable institute of public nature having registration under the relevant provisions of Income Tax Act, 1961; or

(d) any open space including a parade ground which is the property of the Central Government or the State Government, may be exempted by the Corporation from the property tax.

Exemption of diplomatic or consular mission of a foreign State from payment of any rate, tax or fee.

(2) The Commissioner shall cause to be maintained a register showing separately the lands and buildings exempted from the property tax under sub-section (1) above in such Form as may be determined by bye-laws, and such register shall be open to the public for inspection.

99. The State Government may, by order, exempt from the payment of any rate, tax or fee payable under the provisions of this Act, any diplomatic or consular mission of a foreign State and the diplomatic or consular officers of such mission.

B. Classification of lands and buildings and determination of annual values

Classification of lands and buildings and fixation of annual values.

100. (1) The Corporation shall, on the recommendation of the Municipal Valuation Committee constituted under section 110 of the Act, and having regard to-

(a) the location of lands and buildings in the Municipal Corporation area, and

(b) the structural characteristics of buildings,

declare its intention to classify lands and buildings in each ward of the Corporation into such groups as the Corporation may specify by a public notice, and shall also specify in such public notice the annual value it proposes to fix per unit area of vacant land and per unit area of covered space of buildings within each such group.

- (2) If any owner or occupier of any land or building in any ward in respect of which a public notice has been issued under sub-section (1) above, has any objection to the manner of classification of any group or groups or the value per unit area of vacant land or the value per unit area of covered space of building in any group, he may submit to an officer of the Corporation, duly authorized by the Corporation in this behalf, his objection in such Form, and containing such particulars, as may be prescribed, within sixty days from the date of publication of such public notice, and such objection shall be considered by the Municipal Valuation Committee.
- (3) On the expiry of sixty days from the date of publication of the public notice under sub-section (1) above, and after considering the objections, if any, in accordance with the provisions of section 101 of the Act, the Corporation shall, by a public notice, specify groupwise the value per unit area of vacant land and the value per unit area of covered space of building.

Procedure for hearing objection to classification of lands and buildings.

- 101.
- (1) Any objection so received shall be entered in the register to be maintained for the purpose in such Form and manner, and containing such particulars, as may be prescribed.
 - (2) Every such objection shall be determined by the Municipal Valuation Committee after giving the person submitting the objection an opportunity of being heard.
 - (3) The procedure for hearing and disposal of objections shall be such as may be specified by bye-laws.
 - (4) When an objection has been determined under sub-section (2) above, any order in this behalf shall be recorded in the register

maintained under sub-section (1) above with date, and a copy of the order shall be supplied to the person submitting the objection within ten days from the date of the order.

- (5) Any person aggrieved by an order under sub-section (4) above may prefer an appeal before the Appellate Authority as constituted under this Act, and the decision of the Appellate Authority on such appeal shall be final.

Validity of unit area values and periodic revision thereof.

102. The unit area value of vacant land and the unit area value of covered space of building, determined under section 100 of the Act, in respect of a group in any ward shall remain in force for a period of five years and shall be revised at the expiration of each such period of five years:

Provided that till the revision of such unit area values is completed, the existing unit area values shall continue to be in force.

Locational characteristics.

103. (1) The location of any land or building in the Municipal Corporation area, referred to in clause (a) of sub-section (1) of section 100 of the Act, shall be determined with reference to-
- (a) the ward in which the land or the building is situated,
- (b) the category of public street as classified by the Corporation on which such land or building is situated.
- (2) In the case of any private street or pedestrian pathway, the Commissioner shall, having regard to the nature and width of the private street or pedestrian pathway on which any land or building is situated, and with the previous sanction of the Empowered Standing Committee, determine the category of such private street or pedestrian pathway.

- | | | |
|--|------|--|
| Structural characteristics. | 104. | (1) For the purposes of this Act, any building in any ward of the Corporation shall, according to the type of structure of such building, be classified as per the bye-laws / rules as may be notified by the Government.

(2) The Corporation shall, having regard to the materials of construction used and the construction practices employed, specify, by bye-laws, the types of buildings which may be classified. |
| Annual value of land and building. | 105. | (1) The annual value of any vacant land and building in any ward of the Corporation shall be the sum of the amount arrived at by multiplying the value per unit area of such vacant land by the total area of such vacant land and the amount arrived at by multiplying the value per unit area of the covered space of such building by the total area of such covered space, if any, and shall be determined accordingly by an order by the Commissioner, and a copy of the order shall be supplied within ten days thereof to the owner or the occupier of the land or the building, as the case may be, in such Form, and in such manner, as may be prescribed.

(2) The value of any machinery contained in, or situated upon, any land or building shall not be taken into consideration while determining the annual value. |
| Deduction from annual value for repair etc. of building. | 106. | (1) In the case of a building, there shall be deducted from the annual value determined under section 105 of the Act, such sum as may be prescribed.

(2) The annual value of any land or building, as determined under this section, shall be a multiple of ten rupees, any fraction below five being ignored and any fraction of five or above being rounded off to the next ten rupees. |

- Determination of annual value of building where land is exempted from property tax.
107. Where any land is exempted from property tax under any law for the time being in force, the annual value of any building erected on such land, which is in existence for more than one year and is not entitled to any exemption from such tax under this Act or any other law for the time being in force, shall be determined separately from the tax on land in accordance with the provisions of this chapter.
- Self-assessment.
108. Any owner of any land or building or any other person liable to pay the property tax or any occupier in the absence of such owner or person shall compute the tax due on the basis of the annual value of such land or building as determined under section 105 and section 106 of the Act, and the rate of tax as may be determined.
- Unit of assessment.
109. (1) Every building together with the site and the land appurtenant thereto shall be assessed as a single unit:
- Provided that where portions of any building together with the site and the land appurtenant thereto are separately owned so as to be entirely independent and capable of separate enjoyment notwithstanding the fact that access to such separate portions is made through a common passage or a common stair case, such separately owned portions shall be assessed separately.
- (2) All lands or buildings, to the extent they are contiguous or are within the same cartilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act:
- Provided that if such land or building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Commissioner may, on application from the owners or co-owners,

- apportion the valuation and assessment of such land or building among the co-owners according to the value of their respective shares, treating the entire land or building as a single unit.
- (3) Each residential unit with its percentage of the undivided interest in the common areas and facilities constructed or purchased and owned by or under the control of any housing co-operative society registered under any law regulating co-operative housing for the time being in force, shall be assessed separately.
 - (4) Each apartment and its percentage of the undivided interest in the common areas and facilities in a building within the meaning of any law regulating apartment ownership for the time being in force, shall be assessed separately.
 - (5) Notwithstanding any assessment made before the commencement of this Act, the Commissioner may, on his own or otherwise, amalgamate or separate, as the case may be, lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.
 - (6) If the ownership of any land or building or a portion thereof is sub-divided into separate shares, or if more than one land or building or portion thereof comes under one ownership by amalgamation, the Commissioner may, on an application from the owner or the co-owners, as the case may be, separate, or amalgamate, such lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.
 - (7) The Commissioner shall, upon an application made in this behalf by an owner, lessee, sub-lessee or occupier of any land or building and upon payment of such fee as may be

determined by the Corporation by regulations, furnish to such owner, lessee, sub-lessee or occupier, as the case may be, information regarding the apportionment of the property tax on such land or building among the several occupiers of such land or building for the current assessment period or for any preceding assessment period:

Provided that nothing in this subsection shall prevent the Corporation from recovering any arrear dues on account of property tax from any such person.

C. Municipal Valuation Committee and Appellate Authority

Constitution of
Municipal
Valuation
Committee.

110. (1) The Government may, by a notification, constitute a Municipal Valuation Committee as may be prescribed by the bye-laws framed to carry out the provisions of this Chapter.
- (2) The Municipal Valuation Committee shall consist of-
- (a) a Chairperson, and
 - (b) other members being not more than three.
- (3) The Chairperson shall be appointed by the State Government and the remaining members may be appointed by the Corporation on the recommendation of the Empowered Standing Committee.
- (4) The Chairperson shall be a person who is or has been a Joint Secretary to the Government.
- (5) Of the other members, -
- (a) at least one shall be a person who is or has been a qualified Chartered Accountant or a qualified valuer or a member of Assam Financial Service, and

(b) at least one shall be a person who is or has been a Municipal Engineer and shall be appointed by the Corporation.

(6) If the Chairperson considers it necessary, he may constitute Municipal Valuation Sub-Committees, each consisting of not less than two members, which may independently discharge the functions of the Municipal Valuation Committee.

Terms and conditions of service of Chairperson and other members.

111. (1) The Chairperson and the other members of the Municipal Valuation Committee shall hold office for one year which shall be extendable for a period of one year at a time by the State Government:

Provided that the total tenure of the Committee shall not exceed a cumulative term of five years.

(2) The other terms and conditions of service of the Chairperson and the other members of the Municipal Valuation Committee, including salaries and allowances, shall be such as may be determined by the Corporation with the approval of the State Government.

(3) The salaries and allowances of the Chairperson and the other members of the Municipal Valuation Committee shall be paid from the Municipal Fund.

Functions of Municipal Valuation Committee.

112. The functions of the Municipal Valuation Committee shall be-

(a) to make recommendations to the Corporation on matters relating to classification of lands and buildings into different groups and fixation of values per unit area of such lands and buildings under section 100 of the Act,

(b) to determine objections under sub-section (2) of section 100 of the Act,

(c) to advise the Empowered Standing Committee on all matters relating to determination of annual values of lands and buildings, and

(d) to perform such other functions as the Corporation may, by regulations, determine.

D. Assessment

Submission of returns.

113. (1) The Commissioner shall, with a view to determining the annual value of lands and buildings in any ward and the persons primarily liable for the payment of the property tax, by notice, require the owners and the occupiers of such lands or buildings or any portion thereof, including such owner or person computing the tax due under the provisions of this Act, to furnish returns in such Form as may be prescribed and within such time, not being less than thirty days from the date of publication of such notice, as may be specified therein, containing the following particulars, namely:-
- (a) the name of the owner and the occupier,
 - (b) the number of the ward, the number of the premises, and the name and number, if any, of the public street, or the description of the private street or the pedestrian pathway, on which such land or building is situated,
 - (c) structure of the building,
 - (d) whether the land or the building is connected with the municipal water-supply main or the municipal drain,
 - (e) the uses to which such land or building is put or intended to be put in terms of occupancy or use group as defined in this Act,

- (f) the area of the land and the covered area of the building with break-up of the area under various uses,
 - (g) in the case of non-residential uses, whether wholly owner-occupied or wholly rented out, or partly owner-occupied and partly rented out and the areas thereof, and
 - (h) such other particulars as may be prescribed.
- (2) Every owner or occupier shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of his knowledge and belief.
- (3) The Commissioner, or any person subordinate to him and duly authorized by him, in writing, in this behalf, may, with or without giving any previous notice to the owner or the occupier of any land or building, enter upon, and make any inspection or survey or take measurement of, such land or building with a view to verifying the statement made in the return for such land or building or for collecting the particulars referred to in sub-section (1) above in respect of such land or building:

Provided that no such entry shall be made except between the hours of sunrise and sunset.

Periodic
assessment.

114.

The Commissioner shall, having regard to the recommendations under section 100 of the Act of the Municipal Valuation Committee relating to classification of lands and buildings into different groups and fixation of values per unit area of such lands and buildings, cause a general valuation of all lands and buildings in the Municipal Corporation area in accordance with the provisions of this chapter as soon as

possible after the constitution of a new Municipal Corporation area and at periodic intervals in the case of all other Municipal Corporation areas so as to ensure that there is a revision of such valuation of all lands and buildings at the expiration of successive period of five years:

Provided that it shall be lawful to divide the Municipal Corporation area into groups of wards so that periodic assessment at the interval of five years may take place in each such group instead of in the entire Municipal Corporation area at a time.

Provided further that the annual value of any land or building situated in the Municipal Corporation area, which has been determined earlier under Assam Municipal Act, 1956 or any other law, and is in force on the date of commencement of this Act, shall remain in force, and shall be deemed to be the annual value for the purpose of assessment of property tax on such land or building under this chapter, until a fresh annual value is determined under the provisions of this Act:

Assam Act XV
of 1957.

Provided also that where, on the date of commencement of this Act, the determination of the annual value of any such land or building is under process under any law for the time being in force, such determination shall be completed under that law and shall be deemed to be the annual value in force under this Act, until a fresh annual value is determined under the provisions of this Act.

Revision of
assessment.

115. (1) The Commissioner may cause any revision to be made in the annual value of any land or building or any portion thereof in the following cases, namely:-
- (a) where any tenancy or any rent changes, or

-
- (b) where the nature of use changes, or
 - (c) where a new building is erected or an existing building is redeveloped or substantially altered or improved during the period the annual value remains in force, or
 - (d) where, on an application made in writing by the owner or the person liable to pay the property tax, it is established that during the period the annual value remains in force, its value has been reduced by reason of any substantial demolition or has suffered depreciation from any accident or any calamity proved to the satisfaction of the Commissioner to have been beyond the control where, on an application made in writing by the owner or the person liable to pay the property tax, it is established that during the period the annual value remains in force, its value has been reduced by reason of any substantial demolition or has suffered depreciation from any accident or any calamity proved to the satisfaction of the Commissioner to have been beyond the control, or
 - (e) where any land or building or portion thereof is acquired by purchase or otherwise by the Central Government or the State Government or the Corporation, or
 - (f) where any land or building, or portion thereof, is sold or otherwise transferred to the Central Government or the State Government or the Corporation, or
 - (g) where, upon the acquisition or transfer of any land or building in part, a residual portion remains, or

- (h) where it becomes necessary so to do for any other reason to be recorded in writing.
- (2) Any revision in the annual value of any land or building or portion thereof under this section shall come into force from the date of commencement of the quarter of a year ending on 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which such revision comes into force and shall remain in force for the unexpired portion of the period during which but for such revision, such annual valuation would have remained in force.
- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2) above, where the annual value of any land or building-
- (a) has not, for any reason, been determined under this Act, the annual value of such land or building may be determined by the Commissioner at any time during the currency of the period of assessment in respect of such land or building, or
- (b) has been cancelled on the ground of irregularity, the annual value of such land or building may be determined by the Commissioner at any time after such cancellation, and such annual value shall remain in force until a fresh valuation or revision is made and shall take effect from the beginning of the quarter from which the previous valuation which has been cancelled would have taken effect:

Provided that the valuation made under sub-section (1) and (2) above shall remain in force for the unexpired portion of the period specified in this chapter.

- (4) Any revision of annual value of any land or building or any portion thereof under this section shall be made with reference to the group into which such land or building or part thereof is classified under section 100 or 104 of the Act, and the annual value fixed per unit area of such land or building for that group shall be applicable.
- (5) Notwithstanding anything contained in the foregoing provisions of this section, no revision of the annual value of any land or building under this section shall be made without giving the owner or the occupier of such land or building a reasonable opportunity of being heard on his objection or claim.
- (6) Where any revision of annual value of any land or building is made under this section, the order of such revision shall be communicated to the owner or the occupier of such land or building within ten days from the date of the order.
- (7) An appeal shall lie against an order under sub-section (6) above to the Appellate Authority, if preferred by the owner or the occupier of such land or building within forty-five days from the date of receipt of the order.

Public notice and inspection of assessment list.

- 116.
- (1) Where the determination of the annual value of any land or building in any ward of the Corporation or part thereof has been completed, the Commissioner shall cause the annual value to be entered in an assessment list in such Form, and containing such particulars with respect to each such land or building, as may be prescribed.
 - (2) Where the assessment list has been prepared, the Commissioner shall give public notice thereof and of the place where the assessment list or a copy thereof may be inspected, and

every person claiming to be the owner or the occupier of any land or building included in the assessment list and any authorized agent of such person shall be at liberty to inspect the assessment list and to take extracts therefrom free of charge.

- (3) The Commissioner shall give notice fixing the place, time and date, being not less than thirty days of the preparation of the assessment list as aforesaid, when the annual value of any land or building entered in the assessment list shall be considered, and, in all cases in which any land or building is, for the first time, assessed, he shall also give a notice thereof in writing to the owner or the occupier of such land or building, as the case may be, and shall also specify in the notice the place, time and date, being not less than thirty days of such notice, when such annual value shall be considered.

- (4) Where a revision of the annual value of any land or building has been made, the Commissioner shall cause such annual value to be entered in the assessment list and shall give a notice thereof, in writing, to the owner or the occupier of such land or building, and shall also fix in the notice the place, time and date, being not less than thirty days of such notice, when such annual value shall be considered.

Objection.

117. Any objection to the annual value of any land or building as entered in the assessment list may be made by the owner or the occupier of such land or building in writing to the Commissioner before the date fixed in the notice, stating the reason for such objection.

Appointment of officer to hear objection.

118. (1) The State Government shall appoint such number of officers, and on such terms and conditions, as it may determine to hear and

determine objections to the annual value of any land or building entered in the assessment list.

- (2) The officers appointed under sub-section (1) above shall be paid from the Municipal Fund such salary and allowances as the State Government may determine.
- (3) Any of the officers as aforesaid may make such queries and observations in relation to any entry in the assessment list and call for such records, returns and explanations, as he thinks fit.
- (4) Every such query and observation shall be promptly taken into consideration by the officer of the Corporation to whom it may be addressed and shall be returned by him to such officer as shall be appointed under sub-section (1) above with necessary records, returns and explanations.

Hearing of objections.

- 119.
- (1) Any objection made under section 117 of the Act shall be entered in a register maintained for the purpose in such Form, and in such manner, and containing such particulars, as may be prescribed.
 - (2) On the date, time and place fixed under sub-section (3), or sub-section (4), of section 116, and, after giving the person making the objection a reasonable opportunity of being heard, either in person or through an authorized agent, the officer appointed under section 118 of the Act shall determine the objection.
 - (3) Where an objection has been determined, the order in this behalf shall be recorded in the register maintained with date, and a copy of the order shall be supplied within ten days thereof to the owner or the occupier of the land or the building.

- (4) The procedure for hearing and disposal of objections shall be such as may be prescribed by the bye-laws.
- (5) The annual value after determination of objection under this section shall take effect from the quarter in which such annual value would have taken effect, and shall continue to remain in force during the period such annual value would have remained in force, had no objection been made.

Appeal.

120. (1) Any owner or occupier of any land or building aggrieved by an order of the Commissioner under section 105 of the Act or by the determination of annual value under section 119 of the Act may prefer an appeal in such Form as may be prescribed before the Appellate Authority:

Provided that such appeal shall be preferred to the Appellate Authority within forty-five days from the date of supply of the order under section 105 or section 119 of the Act, as the case may be, and shall be accompanied by a copy of the said order.

- (2) No appeal under this section shall be entertained unless the property tax in respect of any land or building due on the date of presentation of the appeal has been deposited, and the appeal shall abate, unless such property tax is continued to be deposited till the appeal is finally disposed of.
- (3) The annual value of any land or building determined after the disposal of the appeal shall take effect from the quarter from which such annual value would have taken effect and shall continue to remain in force during the period such annual value would have remained in force, had no appeal been filed.

(4) The provisions of Part II and Part III of the Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

Central Act 36
of 1963.

(5) The procedure for hearing and disposal of appeals shall be such as may be prescribed.

(6) The decision of the Appellate Authority shall be final and no suit or other proceeding shall lie in any Civil Court in respect of any matter which has been, or may be, referred to, or has been decided by, the Appellate Authority.

Final valuation.

121. Every valuation in the assessment list made under this chapter shall be final.

Municipal
Assessment
Book.

122. (1) The Corporation shall maintain a Municipal Assessment Book in such Form, and in such manner, as may be prescribed.

(2) The annual value of any land or building as determined under this chapter shall be entered in the Municipal Assessment Book.

(3) The Commissioner may, at any time, make such corrections in the Municipal Assessment Book as may be necessary to incorporate changes required to be made in accordance with the provisions of this Act or for removal of patent errors or defects on the face of the records.

(4) The Municipal Assessment Book, duly authenticated in the manner prescribed, shall be kept in the office of the Corporation and shall be open for inspection, free of charge, during office hours and extracts therefrom shall be made available on payment of such fee as may be determined by the Empowered Standing Committee.

(5) The Municipal Assessment Book shall be printed and published for every ward of the Corporation, and shall be made available for

sale to the public, in such Form, and in such manner, as may be prescribed:

Provided that the publication of the Municipal Assessment Book shall not be kept pending on the ground that an objection or appeal has been made in respect of any case under section 117 or section 120 of the Act, as the case may be.

- (6) Wherever it is possible for the Corporation to do so, the Municipal Assessment Book shall also be put on a website for public information.

Amendment of
Municipal
Assessment
Book.

123. The Commissioner may, at any time, amend the Municipal Assessment Book-

- (a) by inserting therein the name of any person whose name ought to have been inserted therein, or
- (b) by striking out the name of any person not liable for payment of property tax, or
- (c) by inserting therein any land or building together with the annual value thereof previously omitted, or
- (d) by making, or cancelling, any entry exempting any land or building from liability to property tax, or
- (e) by altering the assessment of any land or building which has been erroneously valued or assessed through fraud, mistake or accident, in which case such alteration shall take effect from the date from which such erroneous valuation took effect, or
- (f) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the Municipal Assessment Book, in which case such insertion or alteration shall take

effect from the date of such erection, re-erection, alteration or addition, as the case may be:

Provided that no such amendment shall be made without giving the person affected a reasonable opportunity of being heard.

E. Incidence of Property Tax

Property tax and surcharge thereon to be first charge on lands and buildings and movables.

124.

The property tax on any land or building and the surcharge thereon, due from any person, shall, subject to the prior payment of land revenue, if any, due to the State Government on account of such land or building, be a first charge upon such land or building belonging to such person and upon the movable property, if any, on or within such land or building and belonging to the person liable to such property tax and surcharge thereon.

Incidence of property tax.

125.

- (1) The property tax on any land or building shall be primarily leviable upon the owner thereof.
- (2) The liability of the several owners of any land or building constituting a single unit of assessment, which is, or purports to be, severally owned in parts or flats or rooms, for payment of property tax or any instalment thereof, payable during the period of such ownership, shall be joint and several:

Provided that the Commissioner may apportion the amount of property tax on such land or building among several co-owners:

Provided further that in any case where the Commissioner is, for reasons to be recorded in writing, satisfied that the owner is not traceable, the occupier of such land or building for the time being shall be liable for

payment of the property tax and the surcharge thereon and shall also be entitled to the rebate, if admissible.

- (3) The property tax on any land or building, which is the property of the Corporation and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licensee, as the case may be.

Incidence of surcharge.

126.

Where a surcharge has been imposed under section 96 of the Act, such surcharge shall be payable by the owner or the occupier, as the case may be, who uses such land or building for any purpose other than residential purpose.

Apportionment of surcharge.

127.

The person primarily liable to pay the property tax in respect of any land or building may recover the entire amount of the surcharge on the property tax on such land or building from the occupier who uses it for any purpose other than residential purpose:

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

Recovery of property tax on lands and buildings from occupiers.

128.

- (1) On the failure to recover any sum due on account of property tax on any land or building from the person primarily liable therefor under section 125 of the Act, the Commissioner shall, notwithstanding anything contained in any law regulating premises tenancy for the time being in force, recover from every occupier of such land or building, by attachment of the rent payable by such occupier, a portion of the total sum due which

bears, as nearly as may be, the same proportion to such sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of such land or building.

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

Payment of
property tax on
land and
building.

129. (1) Save as otherwise provided in this Act, the property tax on any land or building under this chapter shall be paid by the person liable for the payment thereof in quarterly instalments and, for the purposes of this section, each quarter shall be deemed to commence on the first day of April, first day of July, first day of October, and first day of January, of a year.
- (2) The Commissioner shall cause to be presented to the person liable for payment of property tax a comprehensive bill in respect of such tax to be paid in quarterly instalments, showing separately the amount of the property tax due against each quarter and the date on which the property tax for each such quarter is due.
- (3) Such bills shall be sent by post under certificate of posting or by courier agency to the person liable for payment of the property tax, not later than the 31st day of May of the year to which such property tax relates.

Self-assessment
and submission
of return.

130. (1) Any owner of any land or building or any other person liable to pay the property tax or any occupier in the absence of such owner or person, who computes such property tax

under section 108 of the Act, shall, on such computation, pay the property tax on lands and buildings, together with interest, if any, payable under the provisions of this Act on-

- (a) any new building or existing building which has not been assessed, or
- (b) any existing building which has been redeveloped or substantially altered or improved after the last assessment, but has not been subjected to revision of assessment consequent upon such redevelopment or alteration or improvement, as the case may be, or
- (c) any new building referred to in clause (a) above or any existing building referred to in clause (a) and clause (b) above, the bills in respect of which have not been issued.

For the purposes of this sub-section, -

- (1) "last assessment" shall mean the assessment where the annual value has been determined by the officer appointed under section 118 of the Act and communicated to the assessee, and
 - (2) "Institution of Surveyors" shall mean the Institution of Surveyors recognized as such by the Central Government.
- (2) Such owner or person, as the case may be, shall furnish to the Commissioner a return of self-assessment in such Form, and in such manner, as may be prescribed. Every such return shall be accompanied by proof of payment of property tax and interest, if any.
 - (3) The payment of property tax and interest, if any, shall be made, and the return shall be furnished, within sixty days of the coming into force of this Act.

- (4) In the case of any new building for which an occupancy certificate has been granted or which has been taken possession of after the coming into force of this Act, such payment shall be made, and such return shall be furnished, within thirty days of the expiry of the quarter in which such occupancy certificate is granted or such possession is taken, whichever is earlier.
- (5) Such payment shall continue to be made for each subsequent quarter and the last date of such payment shall be thirty days after the expiry of each such quarter.
- (6) After the determination of annual value of land or building under section 105 of the Act, or revision thereof under section 115 of the Act, has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of such determination under section 105 of the Act or such revision under section 115 of the Act, as the case may be.
- (7) If any owner or other person, liable to pay the property tax under this Act, fails to pay the same together with interest, if any, in accordance with the provisions of this section, he shall, without prejudice to any other action to which he may be subject, be deemed to be a defaulter in respect of the property tax or interest or both, remaining unpaid, and all the provisions of this Act applicable to such defaulter shall apply to him accordingly.
- (8) If, after the assessment of annual value of any land or building is finally made under this Act, the payment on self-assessment under this section is found to be less than that of the amount payable by the assessee, the assessee shall pay the difference within two months from the date of final assessment, failing

which recovery shall be made in accordance with the provisions of this Act, but, after the final assessment, if it is found that the assessee has paid excess amount, such excess amount shall be adjusted against the tax payable by the assessee.

Levy of surcharge on transfer of lands and buildings.

131. (1) The Corporation may levy a surcharge on the transfer of lands and buildings situated within the Municipal Corporation area as a percentage of stamp duty levied on such transfer under the Indian Stamp Act, 1899.

Central Act 11 of 1899.

- (2) The rate of surcharge, and the manner of-
- (a) collection of surcharge,
- (b) payment of surcharge to the Corporation, and
- (c) deduction of the expenses, if any, incurred by the State Government in course of collection of surcharge,

shall be such as may be prescribed.

Tax on deficits of parking spaces in non-residential buildings.

132. (1) The Corporation may, by bye-laws, levy a tax on the deficits in the provision for parking spaces required for different types of vehicles in any non-residential building.
- (2) The amount of tax shall be determined by multiplying the quantum of such deficit in the area of parking spaces by the unit area value of land in the case of open parking spaces or by the unit area value of covered space of a building in the case of covered parking spaces, as the case may be, as specified in section 100 of the Act.

Water tax.

133. The Corporation may levy a water tax on any land or non-residential building as a percentage of property tax as may be specified by regulations.

Fire tax.

134. The Corporation may levy a fire tax on any building as a percentage of property tax as may be specified by regulations:

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

Chapter XVI

Tax on Advertisements Other than Advertisements in Newspapers and Licence Fees for Advertisement Spaces

Prohibition of advertisements without written permission of Commissioner.

135. (1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign any advertisement, or display any advertisement to public view in any manner whatsoever (including any advertisement exhibited by means of cinematograph), visible from a public street or public place, in any place within the Municipal Corporation area without the permission, in writing, of the Commissioner.
- (2) The Commissioner shall not grant such permission, if -
- (a) a licence for the use of the particular site for the purpose of advertisement has not been taken, or
 - (b) the advertisement contravenes any provisions of this Act or the rules or the regulations made thereunder, or
 - (c) the tax, if any, due in respect of the advertisement has not been paid.
- (3) No person shall broadcast any advertisement, except on radio or television, without the permission, in writing, of the Commissioner.

Licence for use of site for purpose of advertisement.

136. (1) Except under, and in conformity with, such terms and conditions of a licence as the Corporation may, by regulations, provide, no person being the owner, lessee, sub-lessee, occupier or advertising agent shall use, or allow to be used, any site in any land, building or wall, or erect, or allow to be erected, on any site any hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign for the purpose of display of any advertisement.
- (2) For the purpose of advertisement, every person-
- (a) using any site before the commencement of this Act, within ninety days from the date of such commencement, or
- (b) intending to use any site, or
- (c) whose licence for use of any site is about to expire,
- shall apply for a licence or renewal of licence, as the case may be, to the Commissioner in such Form as may be specified by the Corporation.
- (3) The Commissioner shall, after making such inspection as may be necessary and within thirty days of the receipt of the application, grant or renew a licence, as the case may be, on payment of such fee as may be determined by regulations, Bye-laws or refuse or cancel a licence, as the case may be.
- (4) The Commissioner may, if, in his opinion, the proposed site for any advertisement is unsuitable from the considerations of public safety, traffic hazards or aesthetic design, refuse to grant a licence, or to renew any existing licence, within thirty days of the receipt of the application.

- (5) Every licence shall be for a period of one year except in the case of sites used for any temporary congregation of whatever nature including fairs, festivals, circus, *yatra*, exhibitions, sports events, or cultural or social programmes.
- (6) The Commissioner shall cause to be maintained a register wherein the licences issued under this section shall be separately recorded in respect of advertisement sites –
- (a) on telephone, telegraph, tram, electric or other posts or poles erected on or along public or private streets or public places,
- (b) in lands or buildings, and
- (c) in cinema-halls, theatres or other places of public resort.

Tax on
advertisement.

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

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

- (2) Notwithstanding anything contained in sub-section (1) above, no tax shall be levied under this section on any advertisement which -
- (a) relates to a public meeting or to an election to Parliament or the State Legislature or the Corporation or any other local authority or to candidature in respect of such election, or
 - (b) is exhibited within the window of any building, if the advertisement relates to any trade, profession or business carried on in the building, or
 - (c) relates to any trade, profession or business carried on within the land or the building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on, upon or in such land or building, or
 - (d) relates to the name of the land or the building upon or over which the advertisement is exhibited or the name of the owner or the occupier of such land or building, or
 - (e) relates to the business of any airport or port or railway administration, and is exhibited within such airport or port or railway station or upon any wall or other property of an airport, port or railway station, or
 - (f) relates to any activity of the Central Government or the State Government or any local authority.
- (3) The tax on any advertisement leviable under this section shall be payable in advance in such instalments, and in such manner, as may be determined by regulations:

Provided that the Corporation may, under such terms and conditions of a licence as may be determined by regulations under section 136 of the Act, require the licensee to collect, and to pay to the Corporation, subject to a deduction of five per cent of the tax, to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which the licence has been granted.

Removal of poster, hoarding, etc.

138.

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

Chapter XVII

Other Taxes and Tolls

Toll on roads.

139.

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

Toll on bridges.

140.

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

Provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in construction of such bridge together with interest on such expenses and in maintaining such bridge in good repair.

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

Toll on heavy truck and bus.

141. (1) The Corporation may levy toll on heavy trucks and buses referred to in sub-clause (ii) of clause (i) of sub-section (1) of section 87 of the Act, plying on a public street.
- (2) The rate of toll for the purposes of sub-section (1) above shall be such as may be determined by the Corporation by regulations from time to time.
- (3) The Corporation may make regulations providing for the mode of collection of toll and other matters incidental thereto.

Corporation to collect tolls in navigable channel.

142. (1) If, the State Government, at any time, declares that the provisions of any law relating to canals or any other law for the time being in force are applicable to any navigable channel which passes through the limits of a Municipal Corporation area, that Government may, with the consent of the concerned Corporation,

appoint such Corporation to collect tolls in accordance with the provisions of such law until the State Government otherwise directs, and the profits derivable therefrom, or such part thereof as may be agreed upon between the State Government and the Corporation, shall be credited to the Municipal Fund.

- (2) In every such case, the Corporation shall exercise all the powers vested in the Collector under the law as aforesaid.

Chapter XVIII

Payment and Recovery of Taxes

A. Recovery of Taxes by Corporation

Manner of
recovery of taxes
under the Act.

143. Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be determined by regulations:-
- (a) by presenting a bill, or
 - (b) by serving a notice of demand, or
 - (c) by distraint and sale of a defaulter's movable property, or
 - (d) by attachment and sale of a defaulter's immovable property, or
 - (e) in the case of property tax on any land or building, by attachment of rent due in respect of such land or building, or
 - (f) by a certificate under any law for the time being in force regulating the recovery of any dues as public demand.

Time and manner
of payment of
taxes.

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

Presentation of
bill.

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

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

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

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

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

Regulations
regarding
payment and
recovery of tax.

146. To ensure payment and recovery of its tax dues, the Corporation shall, by regulations, provide for-

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

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

(c) attachment and sale of immovable property for recovery of tax dues, and

(d) recovery of dues from a person about to leave the municipal area.

Requirement of payment of rent by occupier towards tax due on land or building.

147. (1) For the purpose of recovery of property tax on any land or building from any occupier, the Commissioner shall, notwithstanding anything contained in any State law relating to premises tenancy or any other law for the time being in force, cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due, or falling due, from him in respect of the land or the building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

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

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

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

Recovery of
property tax on
lands and
buildings.

148. (1) If any money is due under this Act from the owner of any land or building on account of tax on such land or building or any other tax, expense or charge recoverable under this Act, and if the owner of such land or building is unknown or the ownership thereof is disputed, the Commissioner may publish twice, at an interval of not less than two months, a notification of such dues and of sale of such land or building for realization thereof, and may, after the expiry of not less than one month from the date of last publication of such notification, unless the amount recoverable is paid, sell such land or building by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five per cent of the purchase money, and the balance thereof within thirty days of the date of sale. Such notification shall be published in local newspapers and by displaying on the land or the building concerned.
- (2) After deducting the amount due to the Corporation as aforesaid, the surplus sale proceeds, if any, shall be credited to the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Commissioner or a court of competent jurisdiction.
- (3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or building.

Power of
Commissioner to
prosecute or
serve notice of
demand.

149. (1) When any sum is due from any person on account of -
- (a) tax on advertisements other than the advertisements published in newspapers,

or

(b) any other tax, fee or charge leviable under this Act,

the Commissioner may either prosecute such person, if prosecution lies under the provisions of this Act, or cause to be served on such person a notice of demand in such Form as may be specified by regulations or in such other Form as the Commissioner may deem fit.

(2) The provisions of section 146 of the Act shall apply *mutatis mutandis*, to every such recovery of sum due.

Cancellation of irrecoverable dues.

150.

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

B. Recovery of Tax on Lands or Buildings by Person Primarily liable to pay to the Corporation

Mode of recovery.

151.

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

Chapter XIX

Commercial Projects

Commercial projects and receipts therefrom.

152.

The Corporation may, either on its own or through public or private sector agencies, undertake the planning, construction, operation, maintenance or management of

commercial infrastructure projects, including district centres, community and neighbourhood shopping centres, industrial estates, bus or truck terminals and tourist lodges with commercial complexes and any other type of commercial projects on commercial basis.

URBAN ENVIRONMENTAL INFRASTRUCTURE AND SERVICES

Chapter XX

Private Sector Participation Agreement and Assignment to Other Agencies

Undertaking of
project by
Corporation or
by other agency.

153. Notwithstanding anything contained elsewhere in this Act, but subject to the provisions of any State law relating to planning, development, operation, maintenance and management of municipal infrastructure and services, a Corporation may, in the discharge of its functions specified in section 27 and section 28 of the Act,-
- (a) promote the undertaking of any project for supply of urban environmental infrastructure or services by participation of a company, firm, society, trust or anybody corporate or any institution, or government agency or any agency under any other law for the time being in force, in financing, construction, maintenance and operation of such project of a Corporation irrespective of its cost,
- (b) consider and approve the undertaking of any project relating to urban environmental infrastructure or services by a company, or firm, or society, or body corporate in terms of a private sector participation agreement or jointly with any such agency, and

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

Types of Private Sector Participation Agreements.

154. (1) Private sector participation agreements shall be such as may be prescribed.
- (2) Without prejudice to the generality of the foregoing provisions of this section, such agreements include the following:
- (a) Build-Own-Operate-Transfer Agreement,
 - (b) Build-Own-Operate-Maintain Agreement,
 - (c) Build and Transfer Agreement,
 - (d) Build-Lease-Transfer Agreement,
 - (e) Build-Transfer-Operate Agreement,
 - (f) Lease and Management Agreement,
 - (g) Management Agreement,
 - (h) Rehabilitate-Operate-Transfer Agreement,
 - (i) Rehabilitate-Own-Operate-Maintain Agreement,
 - (j) Service Contract Agreement, and
 - (k) Supply-Operate-Transfer Agreement.

Functions assigned to Corporation or other agencies.

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

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

Chapter XXI

Water-supply

A. Functions in Relation to Water-supply

Duty of Corporation to supply water.

156. (1) It shall be the duty of the Corporation to take steps, from time to time, either on its own or through any other agency, -
- (a) to ascertain the sufficiency and wholesomeness of water supplied within the Municipal Corporation area,
 - (b) to provide, or to arrange to provide, a supply of wholesome water in pipes to every part of the Municipal Corporation area in which there are houses, for domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that the Corporation shall not be required to do anything which is not practicable at a reasonable cost or to provide such supply to any part of the Municipal Corporation area where such supply is already available at such point or points, and
 - (c) to provide, as far as possible, a supply of wholesome water otherwise than in pipes to every part of the Municipal Corporation area in which there are houses, for domestic purposes of the occupants thereof, and to which it is not practicable to provide supply in pipes at a reasonable

cost, and in which danger to health may arise from the insufficiency or unwholesomeness of the existing supply and a public supply is required and may be provided at a reasonable cost, and to secure that such supply is available within a reasonable distance of every house in that part.

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

Supply of water
to connected
premises.

157. (1) The Commissioner may, on an application by the owner, lessee or occupier of any building, either on his own or through any other agency, arrange for supply of water from the nearest main to such building for domestic purposes in such quantity as may be deemed to be reasonable and may, at any time, limit the quantity of water to be supplied whenever considered necessary:

Provided that the Commissioner may, by order in writing, delegate the responsibility of receiving the application to any other agency.

- (2) For the water supplied under sub-section (1) above, payment shall be made at such rate as may be fixed by the Corporation from time to time:

Provided that such rate shall, as far as practicable, cover the costs on account of management, operation, maintenance, depreciation, debt servicing, and other charges

related to waterworks and distribution costs, including distribution-losses, if any.

- (3) A supply of water for domestic purposes shall be deemed not to include a supply -
- (a) to any institutional building, assembly building, business building, mercantile building, industrial building, storage building, or hazardous building, referred to in sub-section (2) of section 258 of the Act, or any part of such building, other than that used as a residential building, or educational building, within the meaning of sub-clause (a), or sub-clause (b), of clause (2) of section 258 of the Act;
 - (b) for building purposes,
 - (c) for watering roads and paths,
 - (d) for purposes of irrigation,
 - (e) for gardens, fountains, swimming pools, or for any ornamental or mechanical purpose, or
 - (f) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire.

Supply of water for non-domestic purposes.

158. (1) The Commissioner or the other agency, as the case may be, may, on receiving an application, in writing, specifying the purpose for which the supply of water is required and the quantity which is likely to be consumed, supply water for any purpose other than domestic purpose, on such terms and conditions, including the condition of withdrawal of water, as may be determined by regulations.
- (2) For the water supplied under sub-section (1) above, payment shall be made at such rate as may be fixed by the Corporation from time to time:

Provided that such rate shall, as far as practicable, cover the costs on account of management, operation, maintenance, depreciation, debt servicing, and other charges related to waterworks and distribution costs, including distribution-losses, if any.

- (3) The Commissioner may withdraw such supply at any time, if he thinks it necessary so to do, in order to maintain a sufficient supply of water for domestic purpose.

Water-supply through hydrants, stand-posts and other conveniences.

159. (1) The Corporation may, in exceptional circumstances, either on its own or through other agency, provide, free of cost, supply of wholesome water to the public within the Municipal Corporation area and may, for the said purpose, erect public hydrants or stand-posts or other conveniences.

- (2) The Corporation may order the closure of a public hydrant, stand-post or other conveniences for reasons to be recorded in writing.

- (3) The Corporation may either on its own or through other agency provide for safety, maintenance and use of such public hydrants, stand-posts or other conveniences, subject to such conditions as may be specified by regulations.

Provision for fire hydrants.

160. (1) The Commissioner shall, either on his own or through other agency, fix hydrants on water-mains, other than trunk mains, at such places as may be most convenient for affording supply of water for extinguishing any fire, and shall keep in good order such hydrants, and may, from time to time, renew every such hydrant.

- (2) Letters, marks or figures shall be displayed prominently on a wall, building or other structure near every such hydrant to denote the situation of such hydrant.
- (3) As soon as the work relating to any such hydrant is completed, the Commissioner or the other agency, as the case may be, shall deposit a key thereof at the nearest place where a public fire engine is kept and in such other places as he may deem necessary.

B. Planning, Construction, Operation, Maintenance and Management of Waterworks

Public tanks, sub-soil water, etc. to vest in Corporation.

161. Subject to the provisions of section 155 of the Act, all public tanks, reservoirs, cisterns, wells, tube-wells, aqueducts, conduits, tunnels, pipes, taps and other waterworks, whether made, laid or erected at the cost met from the Municipal Fund or otherwise, and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and any adjacent land, not being private property, appertaining to any such water-source, which are situated within the Municipal Corporation area, shall vest in the Corporation.

Vesting of sub-soil rights.

162. All rights over the sub-soil water resources within the Municipal Corporation area shall vest in the Corporation.

Works to be undertaken for supply of water.

163. For the purpose of providing the Municipal Corporation area with proper and sufficient supply of water for public and private uses, the Corporation, either on its own or through any other agency,-
- (a) shall cause to be constructed or maintained such tanks, reservoirs, engines, pipes, taps, and other waterworks as may be necessary, within or outside the Municipal Corporation area,

(b) may purchase, or take on lease, any waterworks, or right to store or to take and convey water, within or outside the Municipal Corporation area, and

(c) may enter into any agreement with any person or authority for the supply of water:

Provided that the Corporation may, with the approval of the State Government, make over to, or take over from, a statutory body any waterworks so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

Water not to be wasted.

164. (1) No person, being the occupier of any premises to which water is supplied by the Corporation or the other agency, as the case may be, under this chapter, shall, on account of negligence or other circumstances under the control of such occupier, allow the water to be wasted, or allow the pipes, works or fittings for the supply of water in his premises to be out of repair causing thereby waste of water.
- (2) No person shall unlawfully flood, or draw off, divert, or take water from, any waterworks belonging to, or under the control of, the Corporation, or from any watercourse or stream by which such waterworks is supplied.
- (3) Any person who contravenes the provisions of this section shall be liable to such fine, not exceeding ten thousand rupees, as may be determined by regulations.

C. Tube-wells and Wells

Regulation of ground water extraction.

165. The extraction of ground water or digging of wells and tubewells within the Municipal Corporation area shall be regulated as per rules prescribed by the State Government from time to time.

Prohibition for laying water-pipes and construction of latrines and cesspools.

166. Subject to such terms and conditions as may be provided by regulations from time to time, the Commissioner shall have the power to prohibit-
- (a) laying of water-pipes in any place where water is likely to be polluted,
 - (b) construction of latrine or cesspool within six metres of any well, tank, water-pipe, or cistern, or
 - (c) the use of water from any polluted source of supply.

Power to turn off supply of water to premises.

167. (1) Notwithstanding anything contained in this Act, the Commissioner may cut off the connection between any waterworks of the Corporation and any premises to which water is supplied from such water-works, or may turn off such supply, in any of the following cases, namely:-
- (a) if the person, whose premises are supplied with water, neglects to pay any sum payable,
 - (b) if, after receipt of a notice, in writing, from the Commissioner requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or to permit the same to be used in contravention of the provisions of this Act or the regulations made thereunder,
- (2) The expenses of cutting-off water-supply shall be paid by the owner or the occupier of the premises, as the case may be, and shall be recoverable from such owner or occupier as an arrear of tax under this Act.

D. Water Meters and Recovery of Charges

Power to provide water meters and recover charges.

168.

The Corporation may, -

(a) by regulations, specify the terms and conditions for -

(i) provision of water meters, either by itself or through an agent or by the owner or the occupier of any land or building, and

(ii) recovery of charges for supply of such water as recorded by water meters, and

(b) take necessary steps for detection and elimination of any fraud in respect of such water meters.

Entrustment of operation and maintenance of waterworks and billing and collection of charges.

169.

The Commissioner may, with the prior approval of the Empowered Standing Committee, entrust the work of operation and maintenance of waterworks in the Municipal Corporation area and the work of billing and collection of water charges to any agency under any law for the time being in force, or any private agency.

E. Offence in relation to Water Supply

Liability for offence in relation to water-supply.

170.

If any offence relating to water-supply is committed under this Act in any premises connected with the municipal waterworks, the owner, the person primarily liable for payment of property tax, and the occupier of the said premises shall be jointly and severally liable for such offence.

Chapter XXII

Drainage and Sewerage

A. *Functions in Relation to Drainage and Sewerage*

Corporation to provide drainage, sewerage and outfall.

171. The Corporation shall, either on its own or through any other agency, construct and maintain drains and sewers, and provide a safe and sufficient outfall, in or outside the Municipal Corporation area, for effectual drainage and proper discharge of storm-water and sewage of the Municipal Corporation area in such manner as may not cause any nuisance, whether by flooding any part of the Municipal Corporation area, or of the areas surrounding the outfall, or in any other way:

Provided that no place, which has not been used before the commencement of this Act for any of the purposes specified in this section, shall be so used except -

- (a) in conformity with the provisions of any State law relating to land use planning or any other law relating thereto for the time being in force, or
- (b) with the approval of the State Government, in the absence of any such law:

Provided further that with effect from such date as may be appointed by the State Government in this behalf, no sewage shall be discharged into any watercourse until it has been so treated as not to affect prejudicially the purity and the quality of the water of such water course.

Provision of means for disposal of sewage.

172. For the purposes of receiving, treating, storing, disinfecting, distributing, or otherwise disposing of sewage, the Corporation may, either on its own or through any other agency, construct, operate, maintain, develop and manage any works within or outside the Municipal Corporation area.

B. Proprietary Rights of Corporation in Respect of Drains and Sewage Disposal Works

Vesting of public drains and sewage disposal works.

173.

Subject to the provisions of Chapter XX, -

- (a) all public drains, all drains in, alongside or under any public street, and all sewage disposal works, constructed or acquired out of the Municipal Fund or otherwise, and all works, materials and things appertaining thereto, which are situated within or outside the Municipal Corporation area, shall vest in the Corporation,
- (b) for the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal system, so much of the sub-soil appertaining thereto, as may be necessary for such purposes, shall be deemed also to vest in the Corporation, and
- (c) all drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up out of the Municipal Fund in or upon premises, not belonging to the Corporation, whether -
 - (i) before or after the commencement of this Act, and
 - (ii) for the use of the owner or the occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest, and shall be deemed always to have vested, in the Corporation.

Power to make over to, or to take over from, statutory authority drainage and sewerage works.

174.

The Corporation may, with the prior approval of the State Government and subject to such conditions as the Corporation may determine, make over to, or take over from, an authority under any law for the time being in force any drain or sewer or sewage disposal works for administration and management thereof.

C. Municipal Drains

Power of making drains.

175. (1) The Commissioner, or any other agency authorized by him in this behalf, may carry any municipal drain through, across, or under, any street, or any place laid out as, or intended for, a street or under any cellar or vault, which may be under any street, and, after giving a reasonable notice in writing to the owner or the occupier thereof, into, through or under any land whatsoever within the Municipal Corporation area, or, for the purpose of out-fall or distribution of sewage, outside the Municipal Corporation area.
- (2) The Commissioner, or any other agency authorized by him in this behalf, may construct any new drain in place of an existing drain or repair or alter any municipal drain so constructed.

Sewage and rain water drains to be separate.

176. For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Commissioner, or any other agency authorized by him in this behalf, to require that there shall be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

Alteration, discontinuance, cleansing, etc., of drains.

177. Subject to such terms and conditions as may be specified by regulations from time to time, the Commissioner, or any other agency authorized by him in this behalf, may -
- (a) enlarge, alter the course of, lessen, or arch over, or otherwise improve, any municipal drain within the Municipal Corporation area,
- (b) discontinue, close up, or destroy any such drain,

- (c) properly flush, clean, and empty such drain, and
- (d) restrict throwing, emptying, or turning into any municipal drain, or into any drain communicating into the municipal drain, any matter likely to damage the drain or interfere with the free flow of its contents or affect prejudicially the treatment and disposal of its contents, or any chemicals, refuse or waste steam, or any liquid which is dangerous or is the cause of a nuisance or is prejudicial to health, or any petroleum Class 'A', petroleum Class 'B' or petroleum Class 'C'.

Explanation. – For the purposes of this section, the expression “petroleum Class ‘A’, petroleum Class ‘B’ or petroleum Class ‘C’” shall have the same meaning as in the Petroleum Act, 1934.

Central Act 30 of 1934.

D. Drains of Private Streets and Drainage of Premises

Powers in relation to drainage.

178. Subject to such terms and conditions as may be specified by regulations from time to time, the Commissioner, or any other agency authorized by him in this behalf, may -
- (a) permit the owner or the occupier of any premises having a drain, or the owner of a private drain, to have his drain made to communicate with the municipal drain for discharge of foul water,
 - (b) limit the use of the municipal drain by the owner or the occupier of any premises having a private drain,
 - (c) require the owner of any land or building, which is without sufficient means of effectual drainage, to construct a drain and to provide all such appliances and fittings as may be necessary for drainage of such undrained land or building,

- (d) require the group of owners of a block of premises, which may be drained more economically or advantageously in combination than separately, to undertake at their own expense any work necessary for drainage of such block of premises to be drained by a combined operation,
- (e) require the owner of any land or building to carry out such construction, repair or other work as may be necessary for effectual drainage of such land or building, or
- (f) authorize any person, who desires to drain his land or building into a municipal drain through a drain of which he is not an owner, to use the drain or declare such person to be the joint owner thereof.

Premises not to be erected without drains.

179. (1) It shall not be lawful to erect or re-erect any premises in the Municipal Corporation area or to occupy any such premises unless -
- (a) a drain is constructed of such size, materials and description, at such level, and with such fall, as may appear to the Commissioner to be necessary for the effectual drainage of such premises,
 - (b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matters, and conveying the same, from such premises and of effectually flushing the drain of such premises and every fixture connected therewith.
- (2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from the premises, but if no municipal drain is situated within

such distance, then, such drain shall empty into a cesspool situated within the distance to be specified by the Commissioner for the purpose.

E. Trade Effluent

Special provisions relating to trade effluent.

180. Subject to the provisions of this Act and the regulations made thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the approval of the Corporation or, so far as may be permitted by this Act or the regulations made thereunder or any other law for the time being in force, without such approval, discharge into the municipal drain any trade effluent proceeding from such premises.

Special provisions regarding drainage of trade effluent.

181. Notwithstanding anything contained in this Act or the regulations made thereunder or any usage, custom or agreement, where, in the opinion of the Commissioner, any trade premises are without sufficient means of effectual drainage and treatment of trade effluent or the drains thereof, though otherwise not objectionable, are not adapted to the general drainage system of the Municipal Corporation area, or the effluent is not of specified purity, the Commissioner may, by notice, in writing, require the owner or the occupier of such premises -

(a) to discharge the trade effluent in such manner, at such times, through such drains, and subject to such conditions, as may be specified in the notice, and to cease to discharge the trade effluent otherwise than in accordance with the notice,

(b) to purify the trade effluent before its discharge into a municipal drain and to set

up for purifying the trade effluent such appliances, apparatus, fittings and plants, as may be specified in the notice,

(c) to construct a drain of such material, size and description, and laid at such level, and according to such alignment, and with such fall and outlet, as may be specified in the notice,

(d) to alter, amend, repair or renovate any purification plant, existing drain, apparatus, plant-fitting or article used in connection with any municipal or house-drain.

Chapter XXIII

Other Provisions Relating to Water-supply, Drainage and Sewerage

Permission for connection for waterworks and drains.

182. Without the permission, in writing, of the Commissioner, no person shall, for any purpose whatsoever, at any time, make, or cause to be made, any connection or communication with any waterworks or mains or drains constructed or maintained by, or vested in, the Corporation.

Buildings, railways and private streets not to be erected or constructed over watermains

or on municipal drains without permission.

183. (1) Without the permission of the Commissioner, no building, wall, fence or other structure shall be erected, and no railway or private street shall be constructed, on any municipal drain or on any watermains constructed or maintained by, or vested in, the Corporation.

(2) If any building, wall, fence or other structure is erected, or any railway or private street is constructed, on any drain or waterworks without the permission as aforesaid, the Commissioner may remove, or otherwise deal with, such erection or construction in such manner as he may think fit.

- (3) The expenses incurred by the Commissioner for carrying out the purposes of sub-section (2) above, shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person responsible and shall be recoverable as an arrear of tax under this Act.

Railway administration to be informed in certain cases.

184.

If the Commissioner desires to place or carry any pipe or drain or to do any other work connected with water-supply or drainage across any railway line, he shall inform the railway administration, who may execute the same at the cost of the Corporation.

Power of Commissioner to execute work after giving notice to person liable.

185.

When, under the provisions of this Act, any person is required, or is liable, to execute any work in relation to water-supply, drainage and sewerage within the Municipal Corporation area, the Commissioner may, in accordance with the provisions of this Act and the regulations made thereunder, cause such work to be executed after giving such person an opportunity of executing such work within such time as may be specified by him for this purpose.

Sewerage charge and sewerage cess.

186.

- (1) The Corporation shall levy sewerage charge on the owners of premises for connection of such premises to sewerage mains, such amount being not less than one-half of the amount chargeable for water-supply under sub-section (2) of section 157 or sub-section (2) of section 158 of the Act, as the case may be, as may be determined by regulations from time to time.
- (2) Where the owner of any premises in a locality where sewer is laid by the Corporation has not taken connection from the sewerage mains, he shall be liable to pay a sewerage cess of such amount, not being more than one-half of the amount chargeable as sewerage charge under sub-section (1) above, as may be determined by regulations from time to time.

- (3) Where the owner fails to pay the sewerage charge or sewerage cess, such sewerage charge or sewerage cess, as the case may be, shall be realized from the occupier, and the occupier shall be entitled to recover the amount from the owner.
- (4) The connection of premises to sewerage mains shall be provided within a period of thirty days from the date of receipt of an application in this behalf from the owner of the premises.
- (5) The charges received by the Corporation from the owner or the occupier for connecting the premises to sewerage mains shall be spent only for the works relating to the sewerage system.

Entrustment of operation and maintenance of sewerage works and billing and collection of sewerage charges.

187. The Commissioner may, with the prior approval of the Empowered Standing Committee, entrust the work of operation and maintenance of sewerage works in the Municipal Corporation area and the work of billing and collection of sewerage charge or sewerage cess to any agency under any law for the time being in force or any private agency.

Power of State Government to exercise control over imperfect, inefficient or unsuitable waterworks, drainage works or sewerage works.

188. (1) If, at any time, it appears to the State Government that any waterworks, or drainage works, or sewerage works executed by, or vested in, the Corporation, are maintained, or worked, or run in an imperfect, inefficient or unsuitable manner, the State Government may, by an order, in writing, direct the Corporation to show cause within the period specified in the order why the waterworks, the drainage works or the sewerage works, as the case may be, with all plants, fittings and appurtenances thereof should not be handed over to the control and management of any person or any agency belonging to the State Government or any authority under any law for the time being in force, as may be specified in the order.

- (2) If no cause is shown to the satisfaction of the State Government within the period specified in the order referred to in sub-section (1) above, or the cause shown appears to be untenable, the State Government may, by order, in writing, direct that the waterworks, the drainage works or the sewerage works, as the case may be, with all plants, fittings and appurtenances thereof shall be handed over, for such period as it may fix, to the control and management of such persons, or agency, or authority, and on such terms and conditions, as the State Government may determine.
- (3) During the period fixed under sub-section (2) above, the complete control and management of such waterworks, drainage works or sewerage works, as the case may be, shall vest in the person, or the agency, or the authority so appointed who shall engage such establishment for the purpose of maintaining and working of such waterworks, drainage works or sewerage works, as the case may be, as the State Government may from time to time determine; and such establishment may include the employees of the Corporation who were employed, or have been employed, in the maintenance or working of such waterworks, drainage works or sewerage works.
- (4) The cost of such establishment, including costs of all materials, implements and stores, shall be paid from the Municipal Fund within such period as may be fixed by the State Government.

Chapter XXIV

Solid Wastes

A. Functions in Relation to Solid Wastes Management

Duty of Corporation in respect of solid wastes management and handling.

189.

The Corporation shall, within the Municipal Corporation area, be responsible for implementation of the rules made by the Central Government in exercise of the powers

conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of municipal solid wastes and for development of any infra-structure for collection, storage, transportation, processing and disposal of such solid wastes. Central Act 29 of 1986.

Entrustment of management and handling of solid wastes and billing and collection of charge.

190. Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, transportation, processing and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Corporation may fix from time to time:

Provided that the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing and disposal thereof and also the costs of debt-servicing, depreciation of plant and machinery, and other charges, if any:

Provided further that the Commissioner may, with the prior approval of the Empowered Standing Committee, entrust development of infrastructure for collection, storage, transportation, processing and disposal of solid wastes and the work of management and handling of municipal solid wastes and of billing and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

Functions of Corporation.

191. The Corporation shall, either on its own or through any other agency authorized by it in this behalf, -

- (a) organize collection of municipal solid wastes through any of the methods, like community bin collection (central bin), house-to-house collection, and collection on regular pre-informed times and schedules,
- (b) devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas,
- (c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) above, for disposal on daily basis, and
- (d) arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

Solid wastes to be property of Corporation.

192.

All solid wastes deposited in public receptacles, depots and places provided or appointed under section 191 of the Act and all solid wastes collected by the Corporation employees or contractors or any other agency authorized in this behalf shall be the property of the Corporation.

Appointment of places for disposal and final disposal of solid wastes.

193.

The Corporation may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the Municipal Corporation area, and in such manner, as it considers suitable:

Provided that no place which has not been used before the commencement of this Act for the purpose specified in this section, shall be so used, except –

- (a) in conformity with the provisions of any State law relating to development planning and land use control or any other law relating thereto for the time being in force, or
- (b) in the absence of any such law, with the approval of the State Government:

Provided further that the solid wastes shall not be finally disposed of in any manner which the State Government may think fit to disallow.

B. Collection and Removal of Solid Wastes

Duty of owners and occupiers of premises to store solid wastes at source of generation.

194.

It shall be the duty of the owners and the occupiers of all lands and buildings in the Municipal Corporation area -

- (a) to have the premises swept and cleaned on a regular basis,
- (b) to provide for separate receptacles or disposal bags for the storage of -
 - (i) organic and bio-degradable wastes,
 - (ii) recyclable or non-biogradable wastes, and
 - (iii) domestic hazardous wastes,so as to ensure that these different types of wastes do not get mixed,
- (c) to keep such receptacles in good condition and order, and
- (d) to cause all such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses of dead animals, excrementitious matters, bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises

and to be deposited in community bins or receptacles at such times and in such places as the Commissioner may, by notice, specify.

Duty of
Cooperative
Housing Society,
Apartment
Owners'
Association, etc.

195. It shall be the duty of the managements of co-operative housing societies, apartment owners' associations, residential and non-residential building complexes, educational buildings, institutional buildings, assembly buildings, business buildings, mercantile buildings, industrial buildings, storage buildings, and hazardous buildings to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Corporation for temporary storage of wastes (other than recyclable wastes), hazardous wastes, and bio-medical wastes for their subsequent collection and removal by the Corporation:

Provided that a separate community bin shall be provided for the storage of recyclable wastes where door to door collection is not made.

Prohibitions.

196. No person and no owner or occupier of any land or building within Municipal Corporation area shall –
- (a) litter or deposit at any public place any solid waste,
 - (b) deposit building rubbish in or along any public street, public place or open land,
 - (c) allow any filthy matter to flow on public places, or
 - (d) deposit or otherwise dispose of the carcass or any part of any dead animal at a place not provided or appointed for such purpose.

- Punishment for littering on streets and depositing or throwing any solid waste.
197. (1) Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish at any place in contravention of the provisions of this Act, or permits the flow of any filthy matter from his premises, shall be punished on the spot with a fine, which may range upto Rs.5000.00 for each offence.
- (2) Such spot fines may be collected by officers, not below the rank of a sanitary inspector, duly authorized by the Corporation in this behalf.
- Bio-medical wastes.
198. It shall be the duty of the Corporation, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of bio-medical wastes to the extent such rules apply to the Corporation. Central Act 29 of 1986.
- Hazardous wastes.
199. It shall be the duty of the Corporation, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of hazardous wastes to the extent such rules apply to the Corporation. Central Act 29 of 1986.
- Chapter XXV**
Communication Systems
A. Public Streets
- Surface transport system and accessories.
200. For the purposes of this Act, -
- (a) the surface transport systems shall include streets, roads, footpaths, pedestrian pathways, parking areas, transportation terminals, both for passengers and goods,

bridges, sub-ways, over-bridges, ferries and inland water transport systems, and

(b) the transport system accessories shall include traffic engineering schemes, street furniture, street lighting, parking lots and bus stops.

Vesting of public streets in Corporation.

201. (1) Subject to the provisions of Chapter XX, all public streets and parking areas in any Municipal Corporation area including the soil, sub-soil, stones, other materials, side-drains, footpaths, pavements, sub-ways and over-bridges and all erections, implements and trees and other things provided therein, shall vest in the Corporation:

Provided that no public street in the Municipal Corporation area, which immediately before the commencement of this Act vested in the State Government or in any authority under any law for the time being in force, shall, unless so directed by the authority competent to take a decision in this behalf, vest in the Corporation by virtue of this sub-section.

- (2) The State Government may, subject to such terms and conditions as it may determine, by notification-
- (a) transfer to any Corporation, any public street or parking area belonging to it, or
- (b) take over from any Corporation any public street or parking area, or
- (3) The Corporation may publish, in such Form, and in such manner, as may be provided by regulations, the contents of such register for sale to the public.

Minimum width of new public street.

202. The width of the new roads shall be as per the provisions of the Master Plan of the Municipal Corporation area.

Acquisition of lands and buildings for public streets, public parking places and transportation terminals.

203. (1) The Corporation may, subject to the other provisions of this Act, require to be acquired –
- (a) any land together with structure including building, if any, standing thereon for the purpose of opening, widening, extending or otherwise improving any public street, parking or transportation terminal, square, park or garden or of making a new one or for enforcing the regular line of street,
 - (b) in relation to any land or any structure including building as aforesaid, such land or structure including building as the Corporation may think expedient, outside the regular line or projected regular line of the public street as aforesaid, and
 - (c) any land for the purpose of laying out, or making, a public parking place.
- (2) Where any land or structure including building is required to be acquired under sub-section (1) above and the Corporation is satisfied that the remaining portion of the land shall not be suitable or fit for any beneficial use to the owner, it shall, at the request of the owner, proceed for the acquisition, in addition, of such remaining portion of the land which shall, on acquisition, vest in the Corporation.
- (3) Where any land or structure including building is required to be acquired under sub-section (1) or sub-section (2) above, the procedure for such acquisition as provided in this Act shall apply.

Permanent closure of public street.

204. (1) The Corporation may permanently close the whole or any part of a public street in the public interest or for the purpose of carrying out the provisions of this Act:

Provided that before closing such public street, the Corporation shall, by notice

published in such manner as may be provided by regulations, give an opportunity to the residents likely to be affected by such closure to make suggestions or objections, with respect to such closure, within one month from the date of publication of the said notice, and shall consider all such suggestions, or objections.

- (2) Whenever any public street or a part thereof is permanently closed under sub-section (1) above, the site of such street or any portion thereof may be disposed of as land vested in the Corporation.

Temporary closure of public street.

205. The Commissioner may temporarily close the whole or any part of a public street to permit development and maintenance work, and may authorize such closure for other purposes for any period not exceeding fifteen days.

Closure of public street for parking purposes and levy of parking fee.

206. (1) The Corporation may close any portion of a public street and declare it as a parking area.
- (2) Parking fees at different rates for different types of vehicles, in different areas, for different times of the day, and for different durations may be levied at such rates as may be determined by the Corporation by bye-laws from time to time.

Right of owners to require streets to be declared public.

207. (1) If any private street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, and lighted to the satisfaction of the Commissioner, he may, or on the requisition of a majority of the owners of such private street, shall, declare such street to be a public street and, thereupon, the street shall vest in the Corporation.
- (2) The Commissioner may, at any time, by a notice fixed up in any street or part thereof, not maintainable by the Corporation, but which has already been levelled, paved, metalled, flagged, channelled, drained, sewered, conserved and

lighted to his satisfaction, give intimation of his intention to declare such street or part thereof to be a public street, and unless within thirty days of such notice, the owner or any one of the several owners of such street or such part of a street, lodges objection thereto at the office of the Corporation, the Commissioner may, by notice, in writing, put up in such street or part thereof, declare such street or part thereof, as the case may be, to be a public street vested in the Corporation.

***B. Traffic Engineering Schemes, Street Furniture,
Parking Lots and Bus Stops***

Traffic
engineering
schemes.

208. The Corporation may, either on its own or through any other agency authorized by it in this behalf, as and when necessary, having regard to the abutting land uses and traffic flow patterns, implement traffic engineering schemes to ensure public safety, convenience and expeditious movement of traffic including pedestrian traffic.

Street furniture
and bus stops.

209. The Corporation shall, either on its own or through any other agency authorized by it in this behalf, from time to time, cause various items of street furniture including fences, guard-rails, traffic lights, traffic signs, street markings, median strips, bus stops and any other item to be installed or done, and shall cause them to be maintained so as to ensure public safety and convenience and expeditious movement of traffic including pedestrian traffic.

C. Street Lighting

Measures for lighting.

210. (1) The Commissioner shall, either on his own or through any other agency, -
- (a) take measures for lighting, in a suitable manner, such public streets and public places as may be specified by him,
 - (b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the purpose of lighting, and
 - (c) cause such lamps to be lighted by appropriate means.
- (2) The Commissioner or any other agency may attach to the outside of any building brackets for lamps in such manner as may not cause any injury or inconvenience thereto.

Chapter XXVI**Markets, Commercial Infrastructure and Slaughterhouses**

Commercial Infrastructure.

211. Subject to the provisions of Chapter XX, the Corporation may, either on its own or through any other agency authorized by it in this behalf, implement any scheme for construction, operation, maintenance and management of commercial infrastructure including district centres, neighbourhood shopping centres, shopping malls and office complexes, and may rent out, lease or dispose by outright sale, such commercial infrastructure or any part thereof.

Provision of municipal markets and slaughterhouses.

212. (1) The Commissioner may, either on his own or through any other agency, provide and maintain in the Municipal Corporation area such number of municipal markets, slaughterhouses or stock-yards, as he thinks fit, together with stalls, shops, sheds, pans and other buildings and conveniences for the use of

persons carrying on trade or business and may provide and maintain in any such markets, buildings or other places, machines, weights, scales and measures for the weighment or measurement of goods sold thereon.

- (2) Subject to such directions as the Corporation may give in this behalf, the Commissioner or any other agency, as the case may be, may, after giving a notice, close any municipal market or slaughterhouse or stockyard or any portion thereof on and from the date specified in the notice, and the premises occupied for any municipal market, slaughterhouse or stockyard or any portion thereof so closed may be disposed of as the property of the Corporation.

Use of municipal markets.

213. (1) No person shall, without the general or special permission, in writing, of the Commissioner, sell, or expose for sale, any animal or article in any municipal market within the Municipal Corporation area.
- (2) Any person contravening the provisions of subsection (1) above and any animal or article exposed for sale by such person may, by or under the order of the Commissioner, be summarily removed from the market by a police-officer or any officer or other employee of the Corporation authorized by the Commissioner in this behalf.

Levy of stallage, rent and fee.

214. Subject to such regulations as may be made from time to time, the Commissioner, either on his own or through any other agency, as the case may be, may charge stallage, rent or fee for the occupation or use of facilities in a municipal market or a municipal slaughterhouse.

Chapter XXVII

Local Agenda for Urban Environmental Management

Duties of Corporation.

215. (1) Subject to the provisions of this Act, and having regard to the linkages between urban

economy, infrastructure, productivity, poverty and environmental health in the Municipal Corporation area, the Corporation shall take adequate measures for –

- (a) management of urban environment,
- (b) measuring quality of living and working environment,
- (c) monitoring of pollution levels, and
- (d) undertaking health risk assessment.

(2) For carrying out the purposes of sub-section (1) above, the Corporation shall involve such professional agencies and community based organizations, either in the public sector or in the private sector, as may be necessary, to -

- (a) carry out studies on vulnerability and risk assessment,
- (b) enhance the capability of concerned municipal or other agencies through research and training activities for better management of environment,
- (c) prepare environmental management strategy and action plan, and establish adequate institutional framework for its implementation, and
- (d) provide and manage environmental infrastructure services.

Functions relating to urban environmental management of Municipal Corporation area

216. (1) The Corporation shall, either by itself or through any other agency, undertake functions relating to the following matters:-

- (a) supply of safe water,
- (b) low cost sanitation,
- (c) environmentally sound solid waste management,

- (d) toxic waste collection and disposal,
 - (e) waste recycling and recovery,
 - (f) preservation of wetlands,
 - (g) control of air pollution,
 - (h) control of sound pollution,
 - (i) control of cattle and other animal in the Municipal Corporation area,
 - (j) area improvement and resettlement,
 - (k) promotion of urban agriculture and urban forestry,
 - (l) development of parks, gardens and open spaces,
 - (m) promotion of community awareness on environmental education, and
 - (n) such other matters as the Corporation may consider necessary.
- (2) The Commissioner shall prepare and submit a report on the environmental status of the Municipal Corporation area at the time of submission of the budget estimates.

Chapter XXVIII

Environmental Sanitation and Community Health

A. Duties and General Powers

Duties of Corporation for environmental sanitation.

217.

It shall be the duty of the Corporation or any other agency authorized by it in this behalf to take adequate measures for each of the following matters, namely:-

- (a) inspection, supervision, regulation, and control of premises to ensure proper environmental sanitation,

- (b) regulation of public bathing and washing,
- (c) provision and maintenance of public conveniences,
- (d) licensing of animals and control of stray animals,
- (e) licensing of butchers and slaughterhouses, and
- (f) control of nuisances.

Powers of
Commissioner.

218.

Subject to such regulations as may be made in this behalf, the Commissioner may, either on his own or through any other agency authorized by him in this behalf, -

- (a) cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof,
- (b) require the owner or the occupier of any land or building or any part thereof to cleanse it, if it appears necessary so to do for reasons of sanitation,
- (c) issue such order as he deems necessary for the improvement of any insanitary huts and sheds and untenanted premises which are likely to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood or are, for any reason, likely to endanger community health or safety,
- (d) by notice, prohibit the owner or the occupier from the use of any building, or any room in a building, which appears to him to be unfit for human habitation, as dwelling, or
- (e) direct the filling up of any well, pool, ditch, tank, pond, pit or undrained ground, cistern, or reservoir of any waste or stagnant water, which appears to him to be,

or likely to become, injurious to health or offensive to the neighbourhood.

Power to regulate excavations.

219. (1) The Commissioner may, by a general order, or by a special order affecting such portion of the Municipal Corporation area as may be specified therein, prohibit-
- (a) the making of excavation for the purpose of taking earth therefrom or storing rubbish or offensive matter therein, or
 - (b) the digging of cesspool, tanks, ponds, wells or pits, without his special permission.
- (2) No person shall make any excavation referred to in clause (a) of sub-section (1) above, or dig any cesspool, tank, pond, well or pit referred to in clause (b) of sub-section (1) above in contravention of any such order.
- (3) If any such excavation is made, or any such cesspool, tank, pond, well or pit is dug in contravention of the order under sub-section (1) above, the Commissioner may, by notice, in writing, require the owner or the occupier of the land, on which such excavation is made or such cesspool, tank, pond, well or pit is dug, to fill it up with earth or other material approved by him.

Power of trimming trees, hedges, etc.

220. (1) The Commissioner may, if he thinks fit, by notice, in writing, require the owner or the occupier of any land in the Municipal Corporation area on which trees, shrubs or hedges are growing to keep such trees, shrubs or hedges in a trim condition, and remove any such tree, shrub or hedge, if it obstructs traffic on any street or poses a danger to public safety or overhangs any street causing inconvenience or danger to the passers-by.
- (2) If it appears to the Commissioner that immediate action is necessary for public safety, he may, without notice, cause such tree, shrub

or hedge to be removed from the land as aforesaid and the expenses thereof shall be paid by the owner or the occupier of such land.

B. Regulation of Public Bathing, Washing, etc.

Regulation of
public bathing
etc.

221.

The Commissioner may, by order, -

- (a) regulate the use by the public of any river or other public place, whether vested in the Corporation or not, for bathing or washing,
- (b) prohibit the use by the public of any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or any part of any river, whether vested in the Corporation or not, for bathing or washing,
- (c) prohibit steeping in any tank, reservoir, stream, well or ditch of any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health,
- (d) prohibit bathing in any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well by a person suffering from any contagious or infectious disease,
- (e) prohibit any person engaged in any trade or manufacture from causing to flow into any lake, tank, reservoir, cistern, well, duct or other place for storage of water, whether vested in the Corporation or not, or drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture, or wilfully do any act connected with any such trade or manufacture whereby such water is likely to be fouled,
- (f) prohibit, by notice, the washing of clothes by washermen in pursuance of their calling,

except at such places as may be licensed for this purpose.

C. Public Conveniences

Public latrines and urinals.

222. (1) The Corporation shall, by itself or through any other agency, provide and maintain in proper and convenient places a sufficient number of public latrines and urinals for use by the public.
- (2) Such public latrines and urinals may be so constructed as to provide separate compartments for each sex.

D. General Provisions

Prohibition of nuisances.

223. (1) No person shall -
- (a) commit any nuisance in any public street or public place, or
 - (b) unauthorizely affix upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document, or
 - (c) unauthorizely deface, or write upon, or otherwise mark, any building, monument, post, wall, fence, tree or other thing, or
 - (d) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Commissioner by notice, or
 - (e) bury or cremate or otherwise dispose of any corpse at a place not licensed for the purpose, or
 - (f) disturb public peace or order in violation of sound pollution control order, if any, or
 - (g) cause pollution of air in violation of air pollution control order, if any, or

(h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.

(2) Where the Commissioner is of the opinion that there is a nuisance on any land or building, he may, by notice, in writing, require the person by whose act, default or sufferance the nuisance arises or continues or all of the owners, lessees or occupiers of such land or building to remove or abate the nuisance by taking such measures, in such manner, and within such period, as may be specified in the notice.

(3) Where the Commissioner is of the opinion that immediate removal of any nuisance continuing on any land or building in contravention of the provisions of this Act is necessary, he may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.

Control of pollution.

224.

Subject to the provisions of any law relating to air, water or noise pollution for the time being in force and in accordance with any notification by the State Government in that behalf, the Corporation may function as a competent authority for the enforcement of such law.

Power to repair wells, tanks, etc. for safety reasons.

225.

Where in any Municipal Corporation area, any well, tank, reservoir, pool, depression or excavation, or any bank or tree is, in the opinion of the Commissioner, in a ruinous state for want of sufficient repairs, protection or enclosure and is a nuisance or is dangerous to passers-by, the Commissioner may, by notice, in writing, require the owner or the part-owner or any other person claiming to be the owner or the part-owner thereof, or failing any of them, the occupier thereof, to repair, protect or enclose it in such manner as he thinks necessary, and if, in the opinion of the Commissioner, the danger is imminent, he shall

forthwith take such steps as he thinks necessary to avert such danger.

Quarrying,
blasting, cutting
timber or
building
operation.

226.

No person shall quarry, blast, cut timber, or carry on building operations in such manner as to cause, or is likely to cause, danger to persons passing by, or dwelling or working in, the neighbourhood.

Power to stop
improper use of
land or building.

227.

If, within any Municipal Corporation area, any land or building, by reason of its being abandoned or unoccupied, -

(a) is in a filthy or unwholesome state, or

(b) has become a resort of -

(i) idle and disorderly persons, or

(ii) persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or

(c) is used for gambling or immoral purposes, or

(d) is likely to occasion a nuisance,

the Commissioner may, after due enquiry, by notice, in writing, require the owner or the part owner or any person claiming to be the owner or the part owner of such land or building, or the lessee, or any person claiming to be the lessee, thereof to -

(i) secure, enclose, cleanse or clear such land or building, or

(ii) stop use of such land or building for gambling or immoral purposes,

within such time as may be specified in the notice, and shall affix a copy of such notice on the door of the building or on some conspicuous part of the land, as the case may be.

- Polluters to pay. 228. The Corporation may, by regulations, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter.

Chapter XXIX Restrain of Infection

- Corporation to prevent and check dangerous diseases. 229. (1) It shall be the duty of the Corporation to take such measures as are necessary for preventing, or checking the spread of, any dangerous disease in the Municipal Corporation area or of any epidemic disease among any animals therein.
- (2) Any person, whether as a medical practitioner or otherwise, being in charge of, or in attendance upon, any other person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information respecting the existence of such disease to the Commissioner.
- Power of Commissioner to take measures for prevention of spread of dangerous disease. 230. (1) The Commissioner may, at any time, by day or by night, and with or without notice, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place, and shall forthwith send information thereof to the State Government, the District Magistrate and the senior most functionary of the Health Department of the State Government in the District.
- (2) When any person suffering from any dangerous disease is found to be -

- (a) without proper lodging or accommodation,
or
- (b) living in a room or house which he neither owns nor pays rent for, nor occupies as a guest or relative of the person who owns, or pays rent for such room or house, or
- (c) living in a *sarai*, hotel, boarding-house, or hostel, or
- (d) lodged in premises occupied by members of two or more families,

the Commissioner or any person authorized by him in this behalf may, on the advice of any Medical Officer, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

Power of Commissioner to cleanse, disinfect, destroy, or control places of infection.

231. (1) The Commissioner may cleanse, or disinfect, or cause destruction of, any building, hut or shed, water-source or lodging and eating house, if, in his opinion, such cleansing, disinfection or destruction would tend to prevent or check the spread of any dangerous disease, and, in case of emergency, he may cause such cleansing or disinfection to be done by the employees of the Corporation at the cost of the owner or the occupier of such place, or, at the cost of the Corporation, if, in his opinion, such owner or the occupier is unable to pay the cost owing to poverty.
- (2) Where the Commissioner is satisfied that the destruction of any building, hut or shed, or clothing, or article is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may cause such building, hut or shed, or clothing, or article to be destroyed:

Provided that compensation may be paid by the Commissioner to any person who sustains substantial loss by the destruction of such building, hut or shed, or clothing, or article.

- (3) The Commissioner may, on being satisfied that it is in the public interest so to do, by order, in writing, direct that any lodging house or any place in the Municipal Corporation area where articles of food and drink are sold, or prepared, stored or exposed for sale, being a lodging house or place in which a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open, if the Medical and Health Officer certifies that it has been disinfected or is free from infection.

- (4) The Commissioner or any person authorized by the Corporation may, at all reasonable times, enter into, and inspect, any market, building, shop, stall or place, used for the sale of food or drink, or as a slaughterhouse, or for the sale of drugs, and inspect and examine any food, drink, animal or drug, which may be therein, and, if any article of food or drink, animal or drug therein, intended for the consumption of persons, appears to be unfit therefore, he may, by notice, restrict the sale of such food, drink, animal or drug, in such manner, and for such period, as he may deem fit.
- (5) If the Commissioner is of the opinion that the water in any well, tank, or other place in the Municipal Corporation area is likely to cause the spread of any disease, he may, by notice, in writing, prohibit the removal or use of such water for drinking, and require the owner or the person having control of such well, tank, or other place to take such steps as may be required by the notice to prevent the public

from having access to, or from using, such water and may take such other steps as he may consider expedient to prevent the outbreak or spread of such disease:

Provided that in the case of an emergency, the Commissioner or any person authorized by him in this behalf may, with or without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of preventing the spread of any dangerous disease.

Special measures
in case of
outbreak of
dangerous or
epidemic
diseases.

232. (1) In the event of any Municipal Corporation area or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Commissioner may, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose of preventing the outbreak of such disease, with the previous approval of the Corporation, -
- (a) take such special measures, and
- (b) by notice, give such directions to be observed by the public or by any class or section of the public as he thinks necessary to prevent the outbreak of such disease:

Provided that where, in the opinion of the Commissioner, immediate action is necessary, he may take such action without such approval and, if he does so, he shall forthwith report such action to the Corporation.

- (2) Any person, who commits a breach of any direction given in the notice under clause (b) of sub-section (1) above, shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

Means for
disinfection.

233. (1) The Corporation may, in its discretion, or shall, when the State Government so directs, -
- (a) provide proper places within the Municipal Corporation area with necessary attendants and apparatus for disinfection of conveyances, clothings, beddings, or other articles which have been exposed to infection, and
- (b) cause conveyances, clothings, beddings, or other articles brought for disinfection, to be disinfected, either free of charge or on payment of such charges as it may fix.
- (2) The Commissioner may notify places at which such conveyances, clothings, beddings, or other articles, which have been exposed to infection, shall be washed and if he does so, no person shall wash any such conveyances, clothings, beddings, or other articles at any place, not so notified, without previous disinfection.
- (3) The Commissioner may direct the destruction of any clothing, bedding, or other article likely to retain infection, and may give such compensation as he thinks fit for any clothing, bedding or other article, so destroyed.

Special
conveyance for
carrying infected
persons.

234. (1) Subject to such regulations as may be made in this behalf, the Commissioner may, either on his own or through any other agency, provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or dead bodies of persons who died of any such disease.
- (2) The Commissioner may, either on his own or through any other agency, provide for disinfection of any public conveyance, which has carried any person suffering from a dangerous disease, or the corpse of a person who died of any such disease.

Prohibitions.

235. Subject to such regulations as may be made in this behalf, the Commissioner may prohibit-
- (a) the letting out of any infected building without being first disinfected,
 - (b) the disposal of infected articles without disinfection,
 - (c) the washing of any infected clothes by any washerman or laundry, and
 - (d) the making and selling of food, or washing of clothes, by infected persons.

Chapter XXX

Disposal of the Dead

Acts prohibited in connection with disposal of dead.

236. (1) No person shall –
- (a) retain a corpse on any premises without burning, burying or otherwise lawfully disposing it of, for so long a time after death as to create a nuisance,
 - (b) carry a corpse, or a part of a corpse, along any street without having or keeping such corpse or part of a corpse decently covered or without taking such precautions to prevent risk of infection or injury to the community health as the Commissioner may, by notice, from time to time, think fit to require,
 - (c) carry, except when no other route is available, a corpse or part of a corpse along any street on which the carrying of corpse is prohibited by notice issued by the Commissioner in this behalf,
 - (d) remove a corpse or part of a corpse, which has been kept or used for purpose of dissection, otherwise than in a closed receptacle or vehicle,

- (e) place or leave, during its conveyance, a corpse or part of a corpse, on or near any street without urgent necessity,
- (f) bury, or cause to be buried, any corpse or part of a corpse in the grave or vault or otherwise in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse, to be at a depth of less than two metres from the surface of the ground,
- (g) build, dig, or cause to be built or dug, any grave or vault in any burial ground at a distance of less than one-half of a metre from the margin of any other grave or vault,
- (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line, not marked out for such purpose by or under the order of the Commissioner,
- (i) reopen for the interment of a corpse or of any part of a corpse a grave or vault already occupied, without the written permission of the Commissioner,
- (j) make, without the permission of the Commissioner, any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship,
- (k) make, without the permission of the Commissioner, any interment or otherwise dispose of any corpse in any place which is closed under section 240 of the Act,
- (l) 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 permitted under this chapter, without the permission of the Commissioner, and

(m) exhume, without the permission of the Commissioner, anybody from any place for the disposal of the dead except under the provisions of the Code of Criminal Procedure, 1973, or any other law for the time being in force.

Central Act 2 of 1974.

(2) The Commissioner may, in special cases, grant permission for any of the purposes referred to in clauses (j) to (m) of sub-section (1) above, subject to such general or special order as the State Government may, from time to time, make in this behalf.

(3) Any contravention of the provisions of clauses (j) to (m) of sub-section (1) above shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973.

Central Act 2 of 1974.

Registration of places for disposal of the dead.

237.

(1) Subject to such regulations as may be made in this behalf, every owner or person having the control of any place already used for disposal of the dead, but which is not vested in, or owned by, the Corporation or any Board appointed by the State Government for administration of such place, shall submit to the Commissioner an application for registration of such place, containing such particulars as may be specified by the Corporation, within a period of three months from the date of commencement of this Act.

(2) If the Commissioner is satisfied with the application and the particulars under sub-section (1) above, he may register such place on such terms and conditions as may be provided by regulations.

(3) The Commissioner may, with the approval of the Empowered Standing Committee, provide

suitable and convenient place for the disposal of the dead within the Municipal Corporation area, subject to the provisions of any State law regulating such land use or, in the absence of any provisions of any State law in this behalf in the Municipal Corporation area, with the approval of the State Government.

- (4) No place which has not previously been lawfully used or registered for the disposal of the dead shall be opened for such disposal except in conformity with the provisions of any state law regulating such land use or, in the absence of any provisions of any State law in this behalf in the Municipal Corporation area, with the approval of State Government.

Power to require closing of burning and burial grounds etc.

238. Where the Commissioner is of the opinion that any burning place or burial ground or place for the disposal of the dead has become offensive or dangerous to the health of persons residing in the neighbourhood, or for any other reasons to be recorded in writing, he may, with the previous approval of the Empowered Standing Committee, and by notice, in writing, require the owner or the person in charge of such burning place or burial ground or place for the disposal of the dead, to close such burning place or burial ground or place for the disposal of the dead, from such date as may be specified in the notice.

Disposal of dead animals.

239. (1) Whenever any animal, which is under the charge of any person, dies, such person shall, within twenty-four hours of such death, either,-
- (a) convey the carcass to a place provided or appointed under this Act for the final disposal of carcasses of dead animals, or
- (b) give notice of the death to the Commissioner whereupon he shall cause the carcass to be disposed of.

- (2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1) above, the Commissioner may charge such fee as may be determined by the Corporation by regulations.
- (3) Where any dead animal does not belong to any person, the Commissioner shall act immediately for causing the carcass to be disposed of.

Chapter XXXI

Urban Forestry, Parks, Gardens, Trees and Playgrounds

Corporation to implement schemes.

240. (1) The Corporation shall take necessary steps for—
- (a) promotion of urban forestry,
 - (b) creation of public parks and gardens, and planting of trees,
 - (c) provision of parks and playgrounds for children and youth,
 - (d) provision of street-side gardens,
 - (e) encouragement of nurseries, and
 - (f) organization of flower shows.
- (2) The Corporation may, from time to time, take steps to promote awareness about the national heritage of flora and fauna among the school children and the youth.

Chapter XXXII

Improvement

Removal of congested buildings.

241. (1) If it appears to the Commissioner that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleansing

the buildings or by reason of any other cause to be specified in writing, he shall cause such block of buildings to be inspected by the Medical and Health Officer and the Chief Engineer, who shall consult the owners and the occupiers of such block of buildings and the owners and the occupiers of other buildings affected by the unhealthy condition and shall, thereafter, make a report, in writing, to him regarding the sanitary condition of such block of buildings.

- (2) If, upon receipt of the report under sub-section (1) above, the Commissioner considers that the sanitary condition of such block of building is likely to cause risk of disease to the inhabitants of the buildings or the neighbourhood or otherwise to endanger the community health, he shall, with the approval of the Empowered Standing Committee, select the buildings which, in his opinion, should wholly or in part be removed in order to abate the unhealthy condition of such block of buildings, and may, thereupon, by notice, in writing, require the owners of such buildings to remove them within such period as may be specified in the notice:

Provided that before issuing the notice, a reasonable opportunity shall be given to the owners to show cause, either in writing or in person, why the buildings should not be removed:

Provided further that the Commissioner shall, for the removal of any such building, which may have been erected lawfully, pay compensation to the owner for any such building.

- (3) If the notice under sub-section (2) above, requiring any owner of a building to remove such building is not complied with, then, after the expiration of the period specified in the

notice, the Commissioner may himself remove the building and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

Power to require improvement of building unfit for human habitation.

242. (1) If, upon information in his possession, the Commissioner is satisfied that any building is in any respect unfit for human habitation, he may, unless, in his opinion, the building is not capable of being rendered fit at a reasonable expense, serve on the owner of the building a notice requiring him, within such period, not being less than thirty days, as may be specified in the notice, to execute the works of improvement specified therein, and stating that in his opinion such works will render the building fit for human habitation.
- (2) In addition to the notice served on the owner of the building under sub-section (1) above, the Commissioner may also serve a copy of the notice on any other person having an interest in the building, whether as a lessee or as a mortgagee or otherwise.
- (3) In determining whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render the building so fit and the estimated value which the building shall have on completion of the works.
- (4) If the notice under sub-section (1) above, requiring the owner of the building to execute the works of improvement is not complied with, then, on the expiration of the period specified in the notice, the Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as an arrear of tax under this Act.

Power to order demolition of building unfit for human habitation.

243. (1) Where, upon information in his possession, the Commissioner is satisfied that any building is unfit for human habitation and is

not capable at a reasonable expense of being rendered fit, he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee or as a mortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

- (2) If the owner of the building, or other person, upon whom a notice has been served under sub-section (1) above, appears in pursuance thereof before the Commissioner and gives an undertaking that he shall, within a period specified by the Commissioner, execute such works of improvement in relation to the building as will, in the opinion of the Commissioner, render the building fit for human habitation or that the building shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for such habitation, cancels the undertaking, the Commissioner shall not make an order of demolition of the building.
- (3) If no such undertaking as is referred to in sub-section (2) above is given, or if, in a case where any such undertaking has been given, the works of improvement to which the undertaking relates are not carried out within the specified period or the building is used in contravention of the undertaking, the Commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order, not being less than fifteen days from the date of the order, and demolished within six weeks on the expiration of that period.
- (4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an

interest therein shall demolish such building within the period specified in the order, and if such building is not demolished within that period, the Commissioner shall demolish the building and shall sell the materials thereof.

Chapter XXXIII

Public Streets

A. General Powers

Naming and numbering of street.

244. (1) The Corporation shall -
- (a) determine the name or number by which any street or public place vested in it shall be known,
 - (b) cause to be put up or painted at a conspicuous part of any building, wall or place at or near each end, corner or entrance of such street or some convenient part of such street, the name or number by which it shall be known, and
 - (c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation.
- (2) The Corporation may, having regard to the hierarchy of the street system, by regulations, specify the norms according to which the streets may be named or numbered.
- (3) No person shall destroy, remove, deface, or, in any way, injure or alter any such name or number or sub-number put up, or paint any name or number or sub-number different from that put up or painted by order of the Corporation.

Unique premises number.

245. (1) The Corporation shall, when so required by the State Government, assign a unique premises number to every premises or part thereof in the Municipal Corporation area and

shall cause to be maintained a register wherein such unique premises number shall be recorded in respect of each such premises.

Explanation. – In this section, the expression “unique premises number” may mean a number assigned to the premises or part thereof by the Corporation in the following manner, namely:-

- (a) the first three digits indicating the ward number,
 - (b) the next three digits indicating the street number,
 - (c) the next four digits indicating the premises number,
 - (d) the next three digits indicating the sub-premises number,
 - (e) the next one digit indicating the code of the building use, such as residential, commercial, industrial or other use, and
 - (f) the last one digit indicating the code of type of construction.
- (2) When the unique premises numbers in respect of premises in any ward of the Corporation have been determined, the Commissioner shall notify such unique premises numbers in such manner as may be prescribed.
 - (3) When, after the unique premises numbers in respect of premises in any ward have been notified under sub-section (2) above, any person is required under this Act or any other state law to make any application to the Corporation for any permission or licence or for payment of any tax, or for payment of any dues for any service, or for such other purposes as may be prescribed, the person making the application shall mention in the application the unique premises number assigned under sub-section (1) above.

Power to prohibit
use of public
streets for certain
kind of traffic.

246. (1) The Corporation may, by notice, in writing, -
- (a) prohibit or regulate, either temporarily or permanently, vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality,
 - (b) prohibit, in respect of a public street or a portion thereof, the transit of any vehicle of such type, form, construction, weight, emission, or size, or of any vehicle laden with such heavy or unwieldy object as is likely to cause injury to the roadways or any construction thereon, or of any vehicle on the ground of public convenience, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants, and other general precautions, and on payment of such charges, as may be specified by the Corporation generally or specifically in each case,
 - (c) prohibit, at all times or during any particular hours, entry of any vehicular traffic from, or exit of such vehicular traffic into, any premises from any particular public street carrying such traffic.
- (2) Any notice under sub-section (1) above shall, if such notice applies to any particular public street, be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which such notice applies or, if such notice applies generally to all public streets, be advertised.
- (3) Notwithstanding anything contained in sub-section (1) above, the Corporation may declare, by notice, in writing, that any

pedestrian pathway, or a portion thereof, shall be used as bicycle and pedestrian track.

- (4) The notice referred to in sub-section (3) above shall be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which the provisions of sub-section (3) apply.

B. Regular Line of Street

Defining regular line of street.

247. (1) The Corporation may, with due regard to the minimum widths specified for various categories of streets including the footpaths adjoining the same, define the regular line on one or both sides of any public street or portions thereof in accordance with the regulations made in this behalf and may redefine at any time any such regular line:

Provided that before such defining or redefining, as the case may be, the Corporation shall, by notice, afford a reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed defined or redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of publication of such notice:

Provided further that the street alignment of any public street operative under any law for the time being in force in any part of the Municipal Corporation area immediately before the commencement of this Act, shall be deemed to be the regular line of such public street defined by the Corporation under this sub-section.

- (2) The line defined or redefined shall be called the regular line of the street.

- (3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street.
- (4) The Commissioner shall maintain a register containing such particulars as may be specified by the Corporation in this behalf, with plans attached thereto, showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which he may deem necessary.
- (5) All such registers shall be open to inspection by any person on payment of such fee, and any extract therefrom may be supplied on payment of such charge, as may be determined by the Corporation by regulations.

Setting back
buildings to
regular line of
street.

248. (1) If any part of a building abutting on a public street is within the regular line of that street, the Corporation may, whenever it is proposed-
- (a) to repair, rebuild or construct such building or to pull down such building to an extent, measured in cubic metre, exceeding one-half thereof above the ground level, or
 - (b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building, which is within the regular line of the street, by order, as respects the additions to, or rebuilding, construction, repair or alterations of, such building, require such building to be set back to the regular line of such street.
- (2) Any land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

Compulsory
setting back of
building to regular
line of street.

249. (1) Where any building or any part thereof is within the regular line of a public street and, in the opinion of the Corporation, it is necessary to set back such building or part thereof to the regular line of such street, the Commissioner shall, by a notice served on the owner of such building in accordance with the provisions of this Act, require him to show cause, within such period as may be specified in the notice, as to why such building or part thereof, which is within the regular line of such street, should not be pulled down and the land within the regular line acquired by the Corporation.
- (2) If the owner fails to show cause as required under sub-section (1) above, the Commissioner may, with the approval of the Corporation, require the owner, by another notice to be served on him in such manner as may be specified by regulations, to pull down the building or part thereof, which is within the regular line of the street, within such period as may be specified in the notice.
- (3) If, within such period the owner of the building fails to pull down the building or part thereof as required under sub-section (2) above, the Commissioner may pull down the same, and all the expenses incurred in so doing shall be paid by the owner and be recoverable from him as an arrear of tax under this Act.

Setting forward of
building to regular
line of street.

250. The Corporation may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may require any building to be set forward in the case of reconstruction thereof or of a new construction.

Explanation.- For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building, and it shall be deemed to be a sufficient compliance

with the permission or the requirement to set forward a building to the regular line of a street, if a wall of such materials and dimensions, as are approved by the Corporation, is erected along such line.

Acquisition of open land and land occupied by platforms etc.

251.

If any land, whether open or enclosed, not vested in the Corporation and not occupied by any building, is within the regular line of a public street or if any platform, verandah, step, compound wall, hedge or fence or some other structure, authorized or not, external to a building abutting on a public street, or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street, the Commissioner may, with the prior approval of the Corporation and after giving the owner of such land or building not less than seven clear days' notice of his intention so to do, take possession, on behalf of the Corporation, of such land with its enclosing wall, hedge or fence, if any, or of such platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof within the regular line of the public street, and, if necessary, clear the same, and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Corporation:

Provided that where the land or the building is vested in the State Government or the Central Government or any agency thereof, the Commissioner shall not take possession thereof without the previous sanction of the State Government or the Central Government, as the case may be.

Acquisition of remaining part of building and land after their portions within regular line of street have been acquired.

252.

(1) Where a land or building is partly within regular line of a public street and the Corporation is satisfied that the land remaining after the excision of the portion within such line will not be suitable or fit for

any beneficial use, it may, at the request of the owner, acquire such land in addition to the land within such line, and such surplus land shall be deemed to be part of the public street and shall vest in the Corporation.

- (2) Such surplus land may, thereafter, be utilized for the purpose of setting forward a building under section 250 of the Act or for such other purpose as the Corporation may deem fit.

Compensation to be paid in certain cases of setting back or setting forward of building etc.

253. (1) A compensation shall be paid by the Corporation to the owner of any building or land acquired for a public street under the provisions of section 248, section 249, section 251, or section 252 of the Act, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Corporation.
- (2) If, in consequence of any order under section 250 of the Act to set forward a building, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Corporation for such loss or damage.
- (3) If the additional land, which will be included in the premises of any person required or permitted under sub-section (2) above, to set forward such building, belongs to the Corporation, the order or permission of the Corporation to set forward the building shall be a sufficient conveyance to the said owner of the said land, and the price to be paid to the Corporation by the said owner of such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.
- (4) If, when the Corporation requires any building to be set forward, the owner of the building is

dissatisfied with the price fixed to be paid to the Corporation or with any of the terms or conditions of conveyance, the Commissioner shall, upon the application of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case to the court of the District Judge having jurisdiction for determination, and the decision of the said court thereon shall be final.

C. Obstruction on Streets

Special provision regarding streets belonging to Central or State Government.

254. (1) If any national highway, state highway, or a street is vested in the Central Government or the State Government, as the case may be,-
- (a) the Corporation shall not, in respect of such national highway, state highway, or street, grant permission to do any act, the doing of which without its permission, in writing, would contravene the provisions of this Act, except with the sanction of the Central Government or the State Government, as the case may be, and
 - (b) if so required by the Central Government or the State Government, the Corporation shall exercise the powers conferred upon it by this Act or any regulations relating to such street.
- (2) In the case of roads vested in the State Government, and passing through the Municipal Corporation area, the Corporation shall have control over such roads in so far as permission for temporary occupation thereof and removal of encroachments therefrom are concerned, but the maintenance of such roads shall remain with the State Government.

Temporary
erection on streets
during festivals.

255. (1) The Commissioner may grant a permission, in writing, for temporary erection of a booth, *pandal*, or any other structure on any public place on occasions of ceremonies and festivals, on payment of such fee, and on such conditions, as may be determined by the Corporation by regulations, and for such period as may be mentioned in the letter of permission:

Provided that no permission shall be given under this section without consultation with the Superintendent of Police of the district or any police officer of equivalent rank having jurisdiction over the Municipal Corporation area.

- (2) The person to whom such permission is granted shall fill in the ground and reinstate the same to the satisfaction of the Commissioner within such period as may be mentioned in the letter of permission.

Precautions during
construction or
repair of street,
drain or premises.

256. Subject to the terms and conditions as may be specified by regulations, the Commissioner, during construction or repair of any public street or any municipal drain or any premises vested in the Corporation, shall –

- (a) cause the same to be fenced and guarded,
- (b) take proper precaution against accident affecting public street or adjoining buildings,
- (c) prohibit, without his written permission, the deposit of any building material or the setting up of any scaffolding or any temporary erection on any public street,
- (d) close any street wholly or partly to traffic,
- (e) provide for necessary diversion of traffic, wherever necessary,

- (f) ensure the reinstatement of the public street or restoration of any drain or premises to its original condition, and
- (g) take steps for repairing or enclosing of any place which, in his opinion, is dangerous or causing inconvenience to traffic along a street or to persons who have legal access thereto or to the neighbourhood thereof, and recover the costs of such repair works from the owner or the occupier of any such place or premises.

Power of Corporation in relation to regulation of street.

257.

Subject to such terms and conditions as may, from time to time, be specified by regulations, the Corporation may –

- (a) prohibit or regulate vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or injury to the roadways,
- (b) prohibit, at all times or during any particular hours, entry of any vehicular traffic from, or exit of such vehicular traffic into, any premises from any particular public street carrying such traffic,
- (c) prohibit tethering of any animal for any purpose in any public street,
- (d) prohibit in any street installation of structures or fixtures which may cause obstruction,
- (e) prohibit the opening of the ground floor door, gate, bar or window outwards on any street,
- (f) prohibit projections upon any street, or drain, or open channel in any street, and
- (g) remove anything erected, deposited or hawked on any public place or public street in contravention of the provisions of this Act.

Chapter XXXIV**Buildings****A. Procedure**

- Definitions. 258. In this chapter, unless the context otherwise requires, the expression -
- (1) "to erect a building" means -
- (a) to erect a new building on any site, whether previously built upon or not,
 - (b) to re-erect -
 - (i) any building of which more than one-half of the cubical extent above the level of plinth have been pulled down, burnt or destroyed, or
 - (ii) any building of which more than one-half of the superficial area of the external walls above the level of plinth has been pulled down, or
 - (iii) any frame-building of which more than half of the number of posts or beams in the external walls have been pulled down,
 - (c) to convert into a dwelling-house any building or any part of a building not originally so constructed for human habitation or, if originally so constructed for human habitation, subsequently appropriated for any other purpose,
 - (d) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only,
 - (e) to convert into a place of religious worship or into a sacred building any place or building, not originally constructed for such purpose,
 - (f) to roof or cover an open space between walls or buildings to the extent of the structure formed by the roofing or covering of such space,

- (g) to convert two or more tenements in a building into a greater or lesser number of such tenements,
 - (h) to convert into a stall, shop, office, warehouse or *godown*, workshop, factory or garage any building not originally constructed for use as such, or to convert any building constructed for such use, by sub-division or addition, into greater or lesser number of such stalls, shops, offices, warehouses or *godowns*, workshops, factories or garages,
 - (i) to convert a building, which, when originally constructed, was legally exempt from the operation of any building regulations or any rules made under this Act or in any other law for the time being in force, into a building which, had it been originally erected in its converted form, would have been subject to such building regulations,
 - (j) to convert into, or use as, a dwelling-house any building, which has been discontinued as, or appropriated for any purpose other than, a dwelling-house,
 - (k) to make any addition to a building, and
 - (l) to remove or reconstruct the principal staircase of a building or to alter its position;
- (2) “occupancy” or “use-group” means the principal occupancy for which a building or a part of a building is used or intended to be used, and the occupancy classification shall, unless otherwise spelt out in any development plan or any other improvement scheme under any law for the time being in force, include -

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- (a) residential buildings, that is to say, any building in which sleeping accommodation is provided for normal residential purposes with or without cooking facility or dining facility or both, and such building shall include one or two or multi-family dwelling, lodging or rooming houses, hostels, dormitories, apartment houses and flats, and private garages,
 - (b) educational buildings, that is to say, any building used for school, college or day-care purposes involving assembly for instruction, education or recreation incidental to educational use,
 - (c) institutional buildings, that is to say, any building or part thereof ordinarily providing sleeping accommodation for occupants and used for the purposes of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons and for penal or correctional detention in which the liberty of the inmates is restricted, and such buildings shall include hospitals, clinics, dispensaries, sanatoria, custodial institutions, and penal institutions like jails, prisons, mental hospitals and reformatories,
 - (d) assembly buildings, that is to say, any building or part thereof where groups of people congregate or gather for amusement or recreation or for social, religious, patriotic, civic, travel, sports, and similar other purposes, and such buildings shall include theatres, motion picture houses, drive-in-theatres, city halls, town halls, auditoria, exhibition halls, museums, skating rinks, gymnasia,

restaurants, eating-houses, hotels, boarding-houses, places of worship, dance halls, club rooms, gymkhanas, passenger stations and terminals of air, surface and other public transportation services, recreation piers, and stadia,

- (e) business buildings, that is to say, any building or part thereof used for transaction of business or for the keeping of accounts and records or for similar purposes and such buildings shall include offices, banks, professional establishments, court houses, and libraries for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as an office or for office purpose,
- (f) mercantile buildings, that is to say, any building or part thereof used as shops, stores or markets for display or sale of merchandise, either wholesale or retail, or for office, storage or service facilities incidental to the sale of merchandise and located in the same building, and such building shall include establishments wholly or partly engaged in wholesale trade, manufacturer's whole-sale outlets (including related storage facilities), warehouses, and establishments engaged in truck transport (including truck transport booking agencies),
- (g) industrial buildings, that is to say, any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants, and such buildings shall include laboratories,

power plants, smoke houses, refineries, gas plants, mills, dairies, factories, workshops, automobile repair garages and printing presses,

(h) storage buildings, that is to say, any building or part thereof used primarily for the storage or sheltering of goods, wares or merchandise as in warehouse, and such buildings shall include cold storages, freight depots, transit sheds, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables,

(i) hazardous buildings, that is to say, any building or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products, which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition;

(3) "plan" means a plan prepared by a surveyor, or a draughtsman, or an engineer holding a degree of Bachelor of Engineering, or an Architect registered under the Architects Act, 1972.

Central Act 20
of 1972.

Prohibition of
erection without
sanction.

259.

No person shall erect, or commence to erect, any building or execute any of the works specified in section 258 of the Act in any Municipal Corporation area, in accordance with the provisions of this Act and the regulations made thereunder in relation to such erection of building or execution of work, as the case may be:

Provided that the erection of a residential building upto Ground +2 storied or a height of 9.60 metre, whichever is lower, on a plot of land of six hundred and seventy square metre or less, may be commenced and may be proceeded with if the building plan has been prepared by an architect registered under the Architects Act, 1972, and authenticated by him certifying that the building plan for such erection conforms to the provisions of this Act and the rules and the regulations made thereunder:

Central Act 20 of
1972.

Provided further that any such plan shall be submitted to the Commissioner before the commencement of the work referred to in the first proviso for sanction thereof in due course:

Provided also that if any deviation from the provisions of this Act, or the rules, or the regulations made thereunder or any material deviation from such plan is detected in erection of any such building, the Commissioner may take necessary action against such person in accordance with the provisions of this Act, or the rules, or the regulations made thereunder and, in the case of any deviation from the provisions of this Act, or the rules, or the regulations made thereunder, send a report to the Institution of Architects against the architect who prepared the building plan and authenticated it by certifying that the building plan conforms to the provisions of this Act, or the rules or the regulations made thereunder for such action as the Institution of Architects may deem fit:

Provided also that the Commissioner shall, by order, direct that no certification by such architect in respect of any building plan shall be accepted by the Corporation till a decision on the aforesaid report is received from the Institution of Architects by the Commissioner.

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| Erection of building. | 260. | <p>(1) Every person who intends to erect a building shall apply for sanction by giving a notice, in writing, of his intention to the Commissioner in such Form, and containing such information, as may be prescribed.</p> <p>(2) Every such notice shall be accompanied by such documents and plans as may be prescribed.</p> |
| Application for addition to, or repair of, building. | 261. | <p>(1) Subject to the provisions of this Act, every person who intends to execute any of the works shall apply to the Commissioner for sanction by giving a notice, in writing, of his intention in such Form, and containing such information, as may be prescribed.</p> <p>(2) Every such notice shall be accompanied by such documents and plans as may be prescribed.</p> |
| Purpose for which building to be used and conditions of validity of notice. | 262. | <p>(1) Every person giving any notice of his intention to erect a building under section 262 of the Act shall specify the purpose for which such building is intended to be used.</p> <p>(2) Every person giving any notice of his intention to execute any of the works shall specify whether the original purpose for which such work was intended to be executed, is proposed, or is likely, to be changed by such execution of work:</p> <p style="padding-left: 40px;">Provided that if such change would result in mixed occupancies, which are contrary to the provisions of this Act or of any other law for the time being in force, such change shall not be allowed.</p> <p>(3) No notice shall be valid until the information required under sub-section (1) or sub-section (2) above and any other information and plans, which may be required by regulations made under this Act, have been furnished to the satisfaction of the Commissioner along with the notice.</p> |

Sanction or
provisional
sanction or refusal
of building or
work.

263. (1) Subject to the provisions of section 259 of the Act, the Commissioner shall sanction, or provisionally sanction, the erection of a building or the execution of a work within the Municipal Corporation area, unless such building or work would contravene any of the provisions of this Act or any rules made under this Act.
- (2) The sanction for erection of a building or execution of a work may be refused on the following grounds, namely:-
- (a) that the building or the work or the use of the site for the building or the work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification, would contravene the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force or any scheme sanctioned thereunder,
 - (b) that the notice for sanction does not contain the particulars, or is not prepared in the manner, required under the rules or the regulations made in this behalf under this Act,
 - (c) that any information or document, required by the Commissioner under this Act or the rules or the regulations made thereunder, has not been duly furnished,
 - (d) that the building or the work would be an encroachment on the State Government land or land vested in the Corporation, and
 - (e) that the site of the building or the work does not abut on a street or projected street and that there is no access to such building or work from any such street by any passage or pathway appertaining to such site.

- (3) Notwithstanding anything contained in this Act, the Commissioner may, while granting permission under this chapter, specify such special conditions, relevant to each case, regarding disposal of solid, liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit.
- (4) The Commissioner shall communicate the sanction or the provisional sanction to the person who has given the notice under section 259 or section 260 of the Act, and where he refuses sanction or provisional sanction, either on any of the grounds specified in sub-section (2) above, he shall record a brief statement of his reasons for such refusal and shall communicate the refusal along with the reason therefor to the person who has given the notice.
- (5) The sanction, or the provisional sanction, or the refusal of sanction, to the erection of a building or the execution of a work shall be communicated in such manner as may be prescribed and, in the case of sanction or provisional sanction to the erection of a building, the occupancy or use group shall be specifically stated in such sanction.

Sanction or provisional sanction accorded under misrepresentation.

264.

If, at any time, after the communication of sanction or provisional sanction to the erection of any building or the execution of any work, the Commissioner is satisfied that such sanction or provisional sanction was accorded in consequence of any material misrepresentation or any fraudulent statement in the notice given or information furnished, he may, by order in writing, cancel, for reasons to be recorded in writing, such sanction or provisional sanction, as the case may be, and any building or any work commenced, erected or executed shall be

deemed to have been commenced, erected or executed without such sanction and shall be dealt with accordingly under the provisions of this chapter:

Provided that before making any such order, the Commissioner shall give a reasonable opportunity to the person affected to show cause as to why such order should not be made.

When building or work may be proceeded with.

265. (1) Where within a period of forty-five days, or in cases falling under clause (b) to clause (l) of sub-section (1) of section 258 of the Act, within a period of thirty days, of the receipt of any notice under section 260 or section 261 or of any information under section 262 of the Act the Commissioner does not refuse the sanction to the erection of any building or the execution of any work or, upon refusal, does not communicate the refusal to the person who has given the notice, such person may make a representation in writing to the Mayor.
- (2) Where the erection of a building or the execution of a work is sanctioned, the person who has given the notice shall erect the building or execute the work in accordance with such sanction and shall not contravene any of the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force.
- (3) If the person as aforesaid or any one lawfully claiming under him does not commence the erection of the building or the execution of the work within two years of the date on which the erection of the building or the execution of the work, as the case may be, is sanctioned, he shall give notice under section 260 or, as the case may, under section 261 of the Act for fresh sanction and the provisions

of this section shall apply in relation to such notice as they apply in relation to the original notice.

- (4) Such person shall, before commencing the erection of the building or the execution of the work within the period specified in sub-section (3) above, give notice to the Commissioner of the proposed date of commencement of such erection or execution:

Provided that if the commencement does not take place within fifteen days of the date of the notice, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

Period for
completion of
building or work.

266.

The Commissioner shall, when sanctioning the erection of a building or the execution of a work, specify a reasonable period within which the building or the work is to be completed, and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner herein before provided, unless the Commissioner, on an application made in this behalf, allows an extension of such period.

Order of
demolition and
stoppage of
buildings or works
in certain cases
and appeal.

267.

- (1) Where the erection of any building or the execution of any work has been commenced, or is being carried on in contravention of any of the provisions of this Act or the rules or the regulations made thereunder, then Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed, within such period, not being less than five days and more than fifteen days

from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to such person, as may be specified in the order:

Provided that no order of demolition shall be made unless such person has been given, by means of a notice served in such manner as the Commissioner may think fit, an opportunity of showing cause why such order shall not be made:

Provided further that where the erection of any building or the execution of any work has not been completed, the Commissioner may, by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct such person to stop the erection of such building or the execution of such work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under sub-section (5) of this section.

- (2) Power to seal unauthorised erection:- It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under this section or the stoppage of erection of any building or execution of any work under this section, to make an order directing the sealing of such erection or work which is being carried on or has been completed in the manner provided in the Act, for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection of work.
- (3) Where any erection or work has been sealed, the Commissioner may, for the purpose of demolishing or discontinuing such erection or work, order the seal to be removed.

- (4) The Commissioner may make an order under sub-section (1) above, notwithstanding the fact that the assessment of such building has been made for the levy of the property tax on lands and buildings.
- (5) Any person aggrieved by an order of the Commissioner under sub-section (1) above may, within thirty days from the date of the order, prefer an appeal against the order to the Appellate Authority.
- (6) Where an appeal is preferred under sub-section (5) against an order under sub-section (1) above, the Appellate Authority may stay the enforcement of the order on such terms, if any, and for a maximum period not more than sixty days.
- (7) Save as provided in this section, no Court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action, or making any order, in pursuance of the provisions of this section.
- (8) Every order made by the Appellate Authority on appeal and, subject to such order, every order made by the Commissioner under sub-section (1) above, shall be final and conclusive.
- (9) Where no appeal has been preferred against an order made by the Commissioner under sub-section (1) above 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 therein or, as the case may be, within the period, if any, fixed by the Appellate Authority 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 an arrear of tax under this Act.

- (10) Notwithstanding anything contained in this chapter, if the Empowered Standing Committee is of the opinion that immediate action is called for in relation to a building or a work being carried on in contravention of the provisions of this Act, it may, for reasons to be recorded in writing, cause such building or work to be demolished forthwith.

Order of stoppage of building or work in certain cases.

268. (1) Where the demolition of any building or the erection of any building or the execution of any work has been commenced or is being carried on without, or contrary to, the sanction or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or the rules or the regulations made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.
- (2) (a) Notwithstanding anything contained elsewhere in this Act or in any rules or regulations made thereunder, no owner of any building, and no person engaged in the construction of any building on behalf of the owner thereof, shall allow storage or stagnation of water in the site for the construction of such building and every such owner or every such person, as the case may be, shall completely empty all collections of such water at least once in a week.

- (b) Where the construction of a building is carried on in contravention of the provisions of clause (a), the Commissioner may, in addition to any other action that may be taken under this Act, by order, in writing, require the person at whose instance such storage or stagnation of water in the site for the construction of the building is made, to stop forthwith any further construction of the building, and such order shall remain in force till the person as aforesaid complies with the requirements of the order as aforesaid, to the satisfaction of the Commissioner.
- (3) If an order by the Commissioner under clause (b) of sub-section (2) above directing any person to stop the construction of any building is not complied with, the Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Commissioner, and such police officer shall comply with such requirement.
- (4) If an order by the Commissioner under section 267 of the Act or under sub-section (1) of this section, directing any person to stop the erection of any building or the execution of any work, is not complied with, the Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Commissioner, and such police officer shall comply with such requirements.
- (5) No Court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain

him from taking any action or making any order in pursuance of the provisions of this section.

- (6) On the compliance with the requirement under sub-section (2) above, the Commissioner may, if he thinks fit, depute, by an order, in writing, a police officer or an officer or other employee of the Corporation to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

Construction of building in contravention of the provisions of the Act or the rules made thereunder.

269. (1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person, who, being responsible, by himself or by any other person on his behalf, so constructs, or attempts, or conspires, to so construct, any new building or additional floor or floors of any building, in contravention of the provisions of this Act or the rules made thereunder, as endangers, or is likely to endanger, human life, or any property of the Corporation, whereupon the water-supply, drainage or sewerage or the road traffic is disrupted or is likely to be disrupted or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to a sum as may be prescribed.

- (2) The offence under sub-section (1) above shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.

Central Act 2 of 1974.

Power of Commissioner to require alteration of work.

270. (1) The Commissioner may, at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by notice, in writing, specify any matter in respect of which such erection or execution is

without, or contrary to, the sanction referred to in section 263 of the Act or is in contravention of any condition of such sanction or of any of the provisions of this Act or the rules or the regulations made thereunder and require the person who gave the notice under section 260 or section 261 of the Act or the owner of such building or work either -

(a) to make such alterations as may be specified by the Commissioner in the notice with the object of bringing the building or the work in conformity with such sanction or such condition of such sanction or the provisions of this Act or the rules or the regulations made thereunder, or

(b) to show cause, within such period as may be stated in the notice, why such alterations should not be made.

(2) If such person or such owner does not show any cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If such person or such owner shows the cause as aforesaid, the Commissioner shall, by order, either cancel the notice issued under sub-section (1) above or confirm the same subject to such modifications as he thinks fit.

Completion
certificate.

271. (1) Every person giving a notice under section 260 or section 261 of the Act or every owner of a building or work to which such notice relates shall, within one month after the completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent to the Commissioner a notice, in writing, of such completion accompanied by a certificate in the Form specified in the rules made in this behalf and shall give to the Commissioner all

necessary facilities for inspection of such building or work.

Occupancy.

- (2) No person shall occupy, or permit any other person to occupy, any such building or use, or permit any other person to use, any building or a part thereof affected by any such work until permission has been granted by the Commissioner in this behalf in accordance with the rules and the regulations made under this Act:

Provided that if the Commissioner fails, within a period of thirty days of receipt of the notice of completion, to communicate his refusal to grant such permission, such person may make a representation in writing to the Mayor.

B. General Powers

Building at corners of streets.

272. (1) Notwithstanding anything contained in this Act or the rules and the regulations made thereunder or of any other law for the time being in force, the Commissioner may, in the case of any building which is intended to be erected at the corner of two streets, -
- (a) refuse sanction for such reasons as may be recorded in writing, or
 - (b) impose restrictions on its use, or
 - (c) place special conditions concerning exit to, or entry from, any street, or
 - (d) require it to be rounded off or splayed or cut off to such height and to such extent as he may determine, or
 - (e) acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

- (2) The Commissioner may, by order, in writing, require any alteration, corresponding to any of the provisions in clauses (b) to (e) of subsection (1) above, to be made to any building completed before the commencement of this Act.
- Provision as to building and work on either side of new street or near fly-over or transportation terminal.
273. (1) The sanction to the erection of any work on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and, in the opinion of the Commissioner, wherever practicable, metalled or paved, drained, lighted and laid with a water main, to his satisfaction.
- (2) The sanction to the erection of any such building or the execution of any such work may be refused by the Commissioner, if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which have been laid down by the Commissioner but which has not been actually erected or executed, or if such building or any portion thereof or such work is in contravention of any building plan or any other scheme or plan prepared under this Act or any other law for the time being in force.
- (3) The Commissioner may refuse permission for the erection or re-erection of any building which, when completed, will be within such distance from a fly-over or overbridge or transportation terminal or other construction as may be provided by rules or regulations made in this behalf.
- Provision against use of inflammable material for building etc. without permission.
274. (1) No roof, verandah, *pandal* or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass leaves, mats or other inflammable materials except with the permission, in writing, of the Commissioner, nor shall any such roof,

verandah, *pandal*, wall, shed or fence, constructed or reconstructed in any year, be retained in a subsequent year except with the fresh permission obtained in this behalf.

- (2) Every permission under sub-section (1) above shall expire at the end of the financial year for which it is granted.
- (3) The Commissioner may regulate the use of materials, design or construction or other practices for interior decoration in accordance with the rules and the regulations in this behalf.

Power to regulate future construction of buildings in particular streets or localities.

275. (1) The Commissioner may, subject to the prior approval of the Empowered Standing Committee, give notice of his intention to declare -
- (a) that in any street or portion thereof specified in such notice, the elevation and construction of the frontage of all buildings or any classes of buildings erected or re-erected after such notice shall, in respect of their architectural features, be such as the Empowered Standing Committee may consider suitable to the locality, or
 - (b) that in any locality specified in such notice, there shall be allowed the erection of only detached or semi-detached building or both and that the land appurtenant to each such building shall be of an area, being not less than that specified in such notice, or
 - (c) that the division or sub-division of building plots in a particular locality shall be of a minimum specified area, or

- (d) that in any locality specified in the notice, the construction of more than a specified number of buildings on each acre of land shall not be allowed, or
- (e) that in any street, portion of a street, or locality, specified in such notice, the construction of any one or more of the different classes of buildings (such as residential, educational, institutional, assembly, business, mercantile, industrial, storage, and hazardous buildings) shall not be allowed without the special permission of the Empowered Standing Committee.
- (2) The Empowered Standing Committee shall consider all suggestions or objections, received within a period of three months of the publication of such notice, and may confirm the declaration, or may modify it, so, however that the effect of such notice is not extended.
- (3) The Commissioner shall publish any declaration so confirmed or modified in the *Official Gazette* and the declaration shall take effect from the date of such publication.
- (4) No person shall, after the date of publication of such declaration, erect or re-erect any building in contravention of such declaration.
- (5) The Empowered Standing Committee shall ensure that such declaration is in conformity with the provisions of any State law relating to urban land use planning.

Power to stop excavation.

276.

If, during excavation or any other operation for the purpose of construction of any building or execution of any work, any of the underground utilities (such as electric or telephone cables, water-supply, drainage and sewerage mains, and gas pipes) is touched or

is likely to be touched, or if the Commissioner is of opinion that such excavation may cause danger to the public, the Commissioner may, by order, in writing, stop forthwith any such excavation or other work till the matter is investigated and decided to his satisfaction.

Power to require alteration of existing buildings.

277.

The Commissioner may, with a view to promoting convenience, safety, privacy of the public or the occupier, or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder, by order, in writing, require the owner of any existing building to make such alterations therein, and within such period, as may be specified in the order:

Provided that before making any such order, the Commissioner shall afford a reasonable opportunity to the owner to show cause why such order should not be made.

Power to order removal of dangerous buildings.

278.

- (1) If any wall or building, or anything affixed thereto, is deemed by the Commissioner to be in a ruinous state, or is likely to fall, or to be in any way dangerous, he shall forthwith cause a notice, in writing, to be served on the owner and to be put on some conspicuous part of the wall or building or served on the occupier, if any, of the building requiring such owner or occupier forthwith to demolish, repair, or secure such wall, building or thing, as the case may require.
- (2) The Commissioner may, if it appears to him necessary so to do, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wall or building for the safety of the public or the inmates thereof; and may, after giving them such notice as the Commissioner may think necessary, require the inmates of the building to vacate it.

- (3) The provisions of this Act and of any rules or regulations made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-section (1) above.
- (4) (a) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, forthwith or with such notice as he thinks fit, demolish, repair or secure or cause to be demolished, repaired or secured, any such wall or building or thing affixed thereto, on the report of the Municipal Architect and Town Planner, certifying that such demolition, repair or securing of the building, wall or thing is necessary for the safety of the public or the inmates of the building.
- (b) In any such case, the Commissioner may cause the inmates of the building to be summarily removed from such building or from such portion thereof as he may consider necessary.
- (c) All expenses incurred by the Commissioner for carrying out the purposes of this sub-section shall be paid by the owner of such wall, building or thing.
- (5) Anything done or any action taken by the Commissioner under sub-section (4) above shall, unless the contrary is proved, be deemed to have been done or taken lawfully and in good faith.

Inspection of
building.

279. (1) The Commissioner may, at any time during the erection or re-erection of a building or the execution of any work under this chapter, make an inspection thereof without giving any previous notice of his intention so to do.

Permission in case
of non-residential
uses of premises.

- (2) The Commissioner may inspect any existing building at any time by giving seven day's notice in advance.
280. (1) No person shall, without the previous permission, in writing, of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission, put any premises to non-residential use including the use for an educational building or an institutional building or an assembly building or a business building or a mercantile building or an industrial building or a storage building or a hazardous building:

Provided that all permission under this sub-section is subject to the provisions as prescribed by bye-laws / rules.

- (2) The Commissioner may refuse to give such permission in any case on the ground that such use -
- (a) would be objectionable by reason of the density of population in the neighbourhood, or
 - (b) would add to the traffic constraints in the vicinity including parking spaces for vehicles, or
 - (c) would not conform to other predominant uses in the neighbourhood, or
 - (d) would constitute a fire hazard, or
 - (e) would be a nuisance to the inhabitants of the neighbourhood, or
 - (f) in the case of a hospital or a clinic, would be harmful to the patients due to noise or an environment, which poses a health hazard, or

(g) in the case of an educational building, would deprive the students of playground facilities.

- (3) Subject to any land use control under this Act or any other law for the time being in force, the decision of the Commissioner in every case where permission is refused under this section shall be final.

Conditions for grant of permission.

281. In the case of any premises for the use of which a licence or permission is required from the State Government or any authority under any law for the time being in force, the Commissioner shall not grant such permission under this Act to any person until such person produces before the Commissioner the licence or the permission from the State Government or such authority, as the case may be, and submits duly authenticated copy thereof to him:

Provided that in the case where production of a permission of the Corporation is a precondition for the grant of a licence or permission under any other law for the time being in force, the Commissioner may grant a provisional permission which shall be authenticated to be final only upon production of a licence or permission under the said law:

Provided further that such provisional permission shall have validity only for the purpose of fulfilling any precondition for the grant of the licence or the permission under any other law as aforesaid.

C. Regulation of Building Uses

Power to prohibit change of authorized use of building.

282. (1) No person shall, without the permission, in writing, of the Commissioner or otherwise than in conformity with the conditions of such permission, -

- (a) use, or permit to be used, for the purpose of human habitation any building or part thereof not originally erected or authorized to be used for such purpose,
 - (b) change, or allow the change of, the use of a building for any purpose other than that specified in the sanctioned plan,
 - (c) change, or allow the change of, the use of any building erected before the commencement of this Act contrary to the use for which such erection was originally sanctioned or to the use to which such building was actually put,
 - (d) convert, or allow the conversion of, a tenement within a building to an occupational use, other than the use intended in the original sanctioned plan, or materially alter, enlarge, or extend such use.
- (2) If, in any case, such permission is given, no change of occupancy or use shall be allowed before necessary alterations or provisions have been made to the satisfaction of the Commissioner and in accordance with the provisions of this Act and the rules and the regulations made thereunder and any other law for the time being in force.
- (3) Any change of use made before the commencement of this Act, except in so far as such use is permissible under the provisions of an earlier State law on the subject in force before the commencement of this Act, shall be deemed to be a change in contravention of the provisions of this Act.
- (4) Without prejudice to any other action that may be taken against any person, whether owner or occupier, contravening any provision of this section, the Corporation may levy on such person such fine as may be prescribed.

- (5) The Commissioner may, if he deems fit, order that such unauthorized use be stopped forthwith:

Provided that before making any such order, he shall give a reasonable opportunity to the person affected to show cause why such order shall not be made.

- (6) Any person aggrieved by an order of the Commissioner under sub-section (5) above may, within thirty days from the date of the order, prefer an appeal against the order to the Appellate Authority whose decision in the matter shall be final and conclusive.
- (7) When an appeal is preferred under sub-section (6) above, the Appellate Authority may stay the enforcement of the order made by the Commissioner under sub-section (5) above on such terms, and for a period not beyond sixty days.
- (8) Save as otherwise provided in this section, no court shall entertain any suit, application or other proceeding for any relief or injunction, restraining the Commissioner from taking any action or making any order in pursuance of the provisions of this section.

Explanation. – For the purposes of this chapter, “unauthorized use” shall mean change or conversion of a building without sanction from one occupancy or use group to another occupancy or use group.

Power to prevent use of premises for environmental reasons.

283. (1) The Corporation may give notice of its intention to declare that in any area specified in the notice, no person shall, for environmental reasons stated therein, use any premises for any purpose specified in the notice.
- (2) Any objection to any such notice shall be received within a period of thirty days from the date of the notice.

- (3) The Corporation shall consider all objections received within the period as aforesaid, giving any person affected by the notice an opportunity of being heard, and may, thereupon, make a declaration in accordance with the notice under sub-section (1) above, with such modifications, if any, as it may think fit.
- (4) Every such declaration shall be published in the manner provided by regulations and shall take effect from the date of such publication.
- (5) No person shall, in any area specified in the declaration published under sub-section (4) above, use any premises for any purpose specified in the declaration, and the Commissioner shall have the power to stop such use of any such premises by such means as he may consider necessary.
- (6) The Corporation shall ensure that such declaration is in conformity with the provisions of any land use plan in force in the Municipal Corporation area under any State law regulating such use.

Chapter XXXV

Municipal Licences

Premises not to be used for non-residential purpose without municipal licence.

284. (1) Except as hereinafter provided in this Act, no person shall use, or permit to be used, any premises for any of the non-residential purposes as may be prescribed by rules:

Provided that no such licence shall be given in respect of any non-residential use of a premises, if such use is otherwise than in conformity with the provisions of this Act, or any other law for the time being in force, or the rules or the regulations or the orders made thereunder.

- (2) In the case of a non-residential use of a premises for a purpose for which a licence or permission is required from the State Government or any statutory body under any law for the time being in force, no licence under this section shall be given until the licence or the permission under the said law has been produced before the Commissioner, and duly authenticated copies thereof have been submitted to him:

Provided that in the case where the production of a licence under this Act is a pre-condition for the grant of a licence under any other law for the time being in force, the Commissioner may grant a provisional licence, which shall be authenticated to be final only upon the production of a licence or permission under the said law:

Provided further that such provisional licence shall have validity only for the purpose of fulfilling the preconditions of the grant of a licence under any other law as aforesaid.

- (3) In specifying the terms of a licence granted under this section, the Commissioner may require the licensee to take all or any of such measures as he may deem fit to guard against danger to life, health or property or for the abatement of nuisance of any kind.
- (4) The Corporation shall, by regulations, determine the fees to be paid in respect of a licence granted under sub-section (1) above, and may specify different fees for different categories of non-residential uses in different areas within the Municipal Corporation area:

Provided that no such fees shall exceed an amount as may be prescribed.

- (5) The Corporation may, by regulations, determine-
- (a) as to when the initial licence is to be taken out and the procedure of annual renewal thereof, and
 - (b) the matters connected with the display of licence, inspection of premises, power of inspectors, and such other matters as may be deemed necessary.
- Registers to be maintained. 285. The Commissioner shall maintain in such Form, and in such manner, as may be prescribed, two separate registers of which -
- (a) one shall contain premises-wise information of non-residential uses, indicating the unique premises number, if any, assigned under this Act, and
 - (b) the other shall contain such information, on the basis of different non-residential user groups for factories, warehouses, medical institutions, educational institutions, and such other uses, as may be provided by regulations.
- Municipal licence for private markets. 286. (1) The Commissioner may, with the prior approval of the Corporation, grant to any person a licence to establish or keep open a private market on payment of such fees as may be determined by the Corporation by regulations, and may specify such conditions consistent with this Act as he may deem fit.
- (2) When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.
 - (3) The Commissioner may, with the prior approval of the Corporation and for reasons to be recorded in writing, by order, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

- (4) A private market in respect of which the licence has been suspended or cancelled under sub-section (3) above shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Municipal licence
for sale of flesh,
fish or poultry.

287. (1) No person shall, without or otherwise than in conformity with a licence from the Commissioner, carry on the trade of a butcher, fish-monger, poulterer or importer of flesh, intended for human food, or use any place for the sale of flesh, fish or poultry, intended for human food:

Provided that no person shall sell, or expose for sale, any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Commissioner may, by general order made in this behalf, require in token of the fact that the animal has been slaughtered in a municipal or licensed slaughterhouse:

Provided further that no licence shall be required for any place used for sale, or storage for sale, of preserved flesh or fish contained in air-tight or hermetically sealed receptacles.

- (2) The Commissioner may, by order, and subject to such conditions as to supervision and inspection as he may think fit to impose, grant a licence or may, by order and for reasons to be recorded in writing, refuse to grant a licence.
- (3) The Corporation shall, by regulations, determine the procedure for the issue of a licence and renewal thereof.

- (4) If any place is used for the sale of flesh, fish or poultry intended for human food in contravention of the provisions of this section, the Commissioner may stop the use of such place in such manner as he may consider necessary.

Prohibition of unlicensed activities

Prohibition of unlicensed activities.

288. (1) Without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, no person shall, within the Municipal Corporation area, use, or permit to be used, any land or building -
- (a) for keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce, or
- (b) as a market in respect of which a licence is required under this Act, or
- (c) for carrying out work as an artisan, or
- (d) for trade of a butcher, fish-monger, poulterer or importer of flesh intended for human food or for sale thereof.
- (2) If any land or building, public or private, is used, or permitted to be used, in contravention of the provisions of sub-section (1) above, the Commissioner may stop the use thereof by such means as he deems fit, and may confiscate any article in respect of which such use is being made, prepare an inventory thereof, and, in the case of perishable items, auction them without notice.

Power to stop use of premises used in contravention of licences.

289. (1) If the Commissioner is of the opinion that any premises is being used for a non-residential purpose without a licence under this Act or otherwise than in conformity with the terms of a licence

granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

- (2) If a person continues to use a premises in contravention of the provisions of sub-section (1) above, the Commissioner may, notwithstanding any other action that may be taken against such person under this Act, levy on such person a continuing fine in accordance with the provisions of sub-section (4) of section 282 of the Act.

Power to seize
food or drug etc.

- 290.
- (1) The Commissioner, or any officer or other employee of the Corporation authorized by him in this behalf, may, at any time by day or night, without notice, inspect and examine any food or drug or any utensil or vessel used for preparing, manufacturing or storing such food or drug.
 - (2) If, upon such inspection or examination, any such food or drug is, in the opinion of the Commissioner or the officer or other employee authorized by him in this behalf, unwholesome or unfit for human consumption, or is not what it is represented to be, or if any such utensil or vessel is of such kind, or in such state, as to render any food or drug prepared, manufactured, or stored therein, unwholesome or unfit for human consumption, he may seize, seal or carry away such food or drug or utensil or vessel.
 - (3) If any food or drug seized under sub-section (2) above is, in the opinion of the Commissioner, unfit for human consumption, he shall cause such food or drug 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 food or drug was at the time of its seizure.

Chapter XXXVI**Vital Statistics**

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| Appointment of Chief Registrar and Registrars. | 291. | (1) | The Medical and Health Officer shall be the Chief Registrar of births and deaths occurring in the Municipal Corporation area, subject to the provisions of the Registration of Births and Deaths Act, 1969. | Central Act 18 of 1969. |
| | | (2) | The Commissioner shall, for the purposes of this chapter, appoint such number of persons to be Registrars of births and deaths as he deems necessary and shall define the respective areas which shall be under the charge of such Registrars. | |
| Duties of Registrars. | 292. | | Each Registrar shall keep himself informed of every birth or death occurring within the area of his jurisdiction and shall ascertain such particulars in respect of every birth or death as may be prescribed in this behalf. | |
| Register books to be maintained. | 293. | (1) | Such particulars regarding births and deaths as the Commissioner may, from time to time, specify, shall be entered in separate registers of births and of deaths, and such registers shall be maintained by each Registrar. | |
| | | (2) | The Commissioner shall specify the Forms of the registers required to be maintained under sub-section (1) above and the manner in which such registers shall be maintained. | |
| | | (3) | On an application from a person interested, the Chief Registrar or a Registrar, as the case may be, shall issue an extract from any entry in a register on payment of such fees as may be determined by the Corporation by regulations. | |
| Registration of births and deaths. | 294. | | Subject to the provisions of the Registration of Births and Deaths Act, 1969, the Corporation shall cause registration of births and deaths taking place within the Municipal Corporation area and extracts of information | Central Act 18 of 1969. |

therefrom shall be supplied, on application, in such Form of a certificate, and on payment of such fees, as may be determined by regulations.

Registration of name of child or of alteration of name.

295. (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 the guardian of such child or other person proposing such name to be altered or given may, within sixty months next after the registration of the birth, deliver to the Registrar of the area in which the birth was registered, such certificate as hereinafter provided, and the Registrar, upon the receipt of the certificate, shall, without any erasure of the original entry, forthwith enter in the register the name mentioned in the certificate as having been given to the child.
- (2) The certificate shall be in such Form as the Commissioner may, from time to time, specify, and shall be signed by the parent, or the guardian, of the child or other person proposing the name of the child to be altered or given.

Information of births.

296. It shall be the duty of the father or the mother of every child born in the Municipal Corporation area and, in default of the father or the mother, of any relation, of the child living in the same premises and, in default of such relation, of the person having charge of the child, to give, to the best of his or her knowledge and belief, to the Registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed in this behalf:

Provided that in the case of an illegitimate child, no person shall, as father of such child, be required to give information

under this Act concerning the birth of such child, and the Registrar shall not enter in the register the name of any person as father of such child, except at the joint request of the mother and the person acknowledging himself to be the father of such child, and such person shall, in such case, sign the register together with the mother.

Information
respecting finding
of newborn child.

297.

In case any newborn child is found exposed, it shall be the duty of any person finding such child or of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the Chief Registrar or the Registrar, within eight days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as such person possesses.

Information
regarding deaths.

298.

It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in the Municipal Corporation area and, in default of such relation, of any person present or in attendance at the time of the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the person as aforesaid, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the Registrar of the area within which the death took place information containing such particulars as may be prescribed within twenty-four hours of such death:

Provided that –

- (a) if the cause of death is known to be a dangerous disease, the information as aforesaid shall be given within twelve hours of its occurrence, and
- (b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of none but the medical officer or other officer-in-charge thereof to forward forthwith a report of such death in such Form as the Chief Registrar may, from time to time, specify.

Medical Practitioner to certify cause of death.

299.

In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, such practitioner shall, within three days of his becoming cognizant of the death of such person, sign and forward to the Chief Registrar a certificate of the cause of death of such person in such Form as shall, from time to time, be specified by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.

Duties of police in regard to unclaimed corpses.

300.

It shall be the duty of the police to convey every unclaimed corpse to a registered burial or burning ground or other place for disposal of the dead or to a duly appointed mortuary and, thereafter, to inform the Registrar within whose jurisdiction such corpse was found.

Chapter XXXVII

Disaster Management

Management of natural or technological disasters.

301.

- (1) As far as possible, the Corporation shall, in collaboration with the concerned authorities of the Central Government or the State Government, including the meteorological office, have prepared environmental base

maps and impact area diagrams and shall collect other relevant data and shall take necessary steps for erecting installations and other accessories required to mitigate the effects of natural or technological disasters.

- (2) The Corporation shall organize emergency operations and promote public awareness in relation to disaster management.
- (3) The Corporation shall take adequate measures to implement the regulations, if any, made by the planning and urban development authorities to mitigate earthquake hazards in high seismic zones and to promote citizen awareness in this regard.

POWERS, PROCEDURES, OFFENCES AND PENALTIES

Chapter XXXVIII

Procedure

A. Licences and Permissions

Signature,
conditions,
duration,
suspension,
revocation, etc., of
licences and
permissions.

302. (1) Whenever it is provided in this Act or the rules or the regulations made thereunder that a licence or a permission, in writing, may be granted for any purpose, such licence or permission shall be signed by the Commissioner or by any other officer empowered to grant such licence or permission under this Act or the rules or the regulations made thereunder and shall specify the following particulars in addition to any other particulars required to be specified under any other provision of this Act or the rules or the regulations made thereunder:-
- (a) the date of the grant of licence or permission,
 - (b) the purpose and the period, if any, for which it is granted,

- (c) restrictions or conditions, if any, subject to which it is granted,
 - (d) the name and address of the person to whom it is granted, and
 - (e) the fee, if any, paid for the licence or the permission.
- (2) Except as otherwise provided in this Act or the rules or the regulations made thereunder, for every such licence or permission, a fee may be charged at such rate as may, from time to time, be fixed by the Corporation, and such fee shall be payable by the person to whom the licence or the permission is granted.
- (3) Save as otherwise provided in this Act or the rules or the regulations made thereunder, any licence or permission granted under this Act or the rules or the regulations made thereunder may, at any time, be suspended or revoked by the Commissioner or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud, or if any of the restrictions or conditions of licence or permission has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or the rules or the regulations made thereunder relating to any matter for which the licence or the permission, as the case may be, was granted:

Provided that –

- (a) before making any order of suspension or revocation, an opportunity shall be given to the grantee of the licence or the permission to show cause why it should not be suspended or revoked; and

- (b) every such order shall contain a brief statement of the reasons for the suspension or the revocation of the licence or the permission, as the case may be.
- (4) When any such licence or permission is suspended or revoked, or when the period for which such licence or permission was granted has expired, the grantee shall, for the purposes of this Act and the rules and the regulations made thereunder, be deemed to be without a licence or permission, as the case may be, until such time as the order suspending or revoking the licence or the permission, as the case may be, is rescinded or until the licence or the permission, as the case may be, is renewed.
- (5) Every grantee of any licence or permission granted under this Act shall, at all reasonable times while such licence or permission, as the case may be, remains in force, if so required by the Commissioner or the other officer by whom it was granted, produce such licence or permission, as the case may be.

B. Tax on Professions, Trades and Callings

License to be taken out annually.

303. (1) Every person who exercises or carries in the city, either by himself or by an agent or representative, any of the professions, trades or callings indicated in a schedule as may provided by the Corporation in the bye-laws, shall annually take out a license before the first day of April in each year or within one month of his taking up the profession, trade or calling, as the case may be, and pay for the same, such fee as is mentioned in that behalf in the said schedule.

Provided also that the grant of such a license shall not be deemed to affect the liability of the licensee to take out a license under any other section of this Act:

Provided also that the Commissioner may-

- (a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling if he is satisfied that the profession, trade or calling has not been exercised or carried on for more than six consecutive months; or
 - (b) exempt a person, who in the opinion of the Commissioner is unable to pay the fee due for a license, from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable according to the said schedule;
 - (c) in any other case exempt any person from liability to take out a license or declare that any person shall be entitled to take out a license under a lower class than before.
- (2) The Commissioner may at any time grant a license for any previous year for which no license has been taken out, on payment of the fee which would have been payable therefore in the first instance:

Provided that the production of such a licence shall not afford a valid defence if the licence is prosecuted for failing to take a license within the time required by this Act.

- (3) Power of Commissioner to call for list of persons:- The Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to

him within seven days a list, signed by such owner or occupier of the names of all persons exercising or carrying on any professions, trades or calling therein, and of their respective professions, trades, and callings.

- (4) Liability and class how to be determined:- The liability of any person to take out a license and the class under which he shall be deemed bound to take out a license, shall be determined in accordance with the bye-laws that may be made in this behalf by the Corporation.
- (5) The Corporation may, by notification in the official gazette, from time to time, increase the rates specified in the schedule of trades.
- (6) The license so granted will be non-transferable but on the death of the licensee, the Commissioner may replace the name of legal heir on receipt of application.
- (7) The Corporation shall frame rules / bye-laws to carry out the provisions of this Chapter which will prescribe the schedule of trades and fees to be paid annually for such trades:

Provided that till such bye-laws are framed the existing schedule or rates as may be notified by the Municipal Board shall be in force.

C. Entry and Inspection

Power of entry.

304.

The Commissioner or any other officer or employee of the Corporation authorized by the Commissioner in this behalf, or empowered by or under any provision of this Act, may enter into or upon any land or building with or without assistants or workmen, for the purpose of -

- (a) ascertaining whether in connection with the land or the building there is or has been any contravention of the provisions of this Act or the rules or the regulations made thereunder, or
- (b) making such inquiry, inspection, examination, measurement, valuation or survey as may be authorized or required by or under this Act or as may be necessary for the proper administration of this Act, or
- (c) generally ensuring efficient discharge of the functions by any of the municipal authorities under this Act or the rules or the regulations made thereunder.

Power to enter land or adjoining land in relation to any work.

305. (1) The Commissioner or any person authorized by him in this behalf, or empowered by or under this Act, may enter upon any land within fifty metres of any work authorized by or under this Act with or without assistants or workmen, for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purpose connected with the execution thereof.
- (2) Every person so authorized shall, before entering upon any such land, state the purpose thereof, and shall, if so required by the owner or the occupier thereof, fence off so much of the land as may be required for such purpose.
- (3) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be necessary, and compensation shall be payable by the Corporation in accordance with the rules or the regulations made under this Act in this behalf to the owner or the occupier of such land or to both for any such damage, whether permanent or temporary.

Breaking into
building.

306. (1) It shall be lawful for the Commissioner or any person authorized by him in this behalf, or empowered by or under this Act, to make any entry into any place and to open or cause to be opened any door, gate or other barrier, -
- (a) if he considers the opening thereof necessary for the purpose of such entry, and
- (b) if the owner or the occupier is absent or, being present, refuses to open such door, gate or other barrier.
- (2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner or the person authorized or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated, to witness the entry or the opening and may issue an order, in writing, to them or any of them so to do.
- (3) A report shall be made to the Empowered Standing Committee, as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

Time of making
entry.

307. Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry authorized under this Act shall be made except between the hours of sunrise and sunset:

Provided that if the Commissioner is satisfied that the erection of any building or the execution of any work has been commenced or is being carried on in contravention of the provisions of this Act in any premises between the period of sunset and sunrise, he may, if he considers it necessary so to do, enter such premises

during such period accompanied by a police officer to make an inspection thereof and take such action as may be necessary under this Act.

Consent ordinarily to be obtained.

308.

Save as otherwise provided in this Act or the rules or the regulations made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving such occupier or owner, as the case may be, not less than twenty four hours' notice, in writing, of the intention to make such entry:

Provided that no such notice shall be necessary if the Corporation considers, for reasons to be recorded in writing, that there is immediate urgency for such entry and the service of a notice, in writing, may defeat its purpose.

Regard to be had to social or religious usages.

309.

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Prohibition of obstruction or molestation in execution of work.

310.

No person shall obstruct or molest any person authorized or empowered by or under this Act, or with whom the Corporation or any of the municipal authorities referred to in section 11 of the Act has lawfully contracted, in the execution of his duty or anything which he is authorized or empowered or required to do by virtue, or in consequence, of any of the provisions of this Act or the rules or the regulations made thereunder, or in fulfillment of his contract, as the case may be.

D. Public Notices and Advertisements

Public notices how
to be made known.

311. Every public notice given under this Act or the rules or the regulations made thereunder shall be in writing under the signature of the Commissioner or any other officer of the Corporation authorized by him in this behalf, and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within such locality or by publishing the same by advertisement in local newspapers or by such other means as the Commissioner may think fit.

Newspapers in
which
advertisements or
notices to be
published.

312. Whenever it is provided by or under this Act or the rules or the regulations made thereunder that notice shall be given by advertisement in local newspapers or a notification or information shall be published in local newspapers, such notice, notification or information shall be inserted in at least two newspapers of which at least one shall be in the regional language.

E. Evidence

Proof of consent
etc. of Corporation,
Empowered
Standing
Committee, Mayor,
Commissioner, etc.

313. Whenever under this Act or the rules or the regulations made thereunder the doing of, or the omission to do, anything or the validity of anything done depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of -
- (a) the Corporation, or
 - (b) the Empowered Standing Committee, or
 - (c) the Mayor, or
 - (d) the Commissioner or any other officer of the Corporation,
- as the case may be, a document, in writing, signed, -

(i) in the cases referred to in clause (a) and clause (b), by the Municipal Secretary where there is a Municipal Secretary, or where there is no Municipal Secretary, by the Commissioner, and

(ii) in the cases referred to in clause (c) and clause (d), by the Commissioner,

purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion, satisfaction, as the case may be, shall be sufficient evidence thereof.

F. Notices, etc.

Notices etc. to fix reasonable time.

314. Where any notice, bill, order, or requisition, issued or made under this Act or the rules or the regulations made thereunder, requires anything to be done, for the doing of which no time is fixed in this Act or the rules or the regulations made thereunder, such notice, bill, order or requisition shall specify a reasonable time for doing the same.

Signature on notices etc. may be stamped.

315. (1) Every licence, permission, in writing, notice, bill, summons or other document, which is required by this Act or the rules or the regulations made thereunder to bear the signature of the Commissioner or any other officer of the Corporation, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or such other officer, as the case may be, and stamped thereupon.

(2) Nothing in sub-section (1) above shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 60 of the Act.

Notices etc. by whom to be served or issued.

316. Every notice, bill, summons, or other document, required by this Act or the rules or

the regulations made thereunder to be served upon, or issued to, any person, shall be served or issued by an officer or other employee of the Corporation or by any person authorized by the Commissioner in that behalf.

G. Enforcement of Orders to Execute Works etc.

Time for complying with requisition or order, and power of Commissioner.

317. (1) When, under this Act or the rules or the regulations made thereunder, any requisition or order is made by a notice, in writing, issued to any person or persons by any municipal authority or any officer of the Corporation, such authority or officer shall specify in such notice such period within which-
- (a) such requisition or order shall be complied with, and
 - (b) any objection thereto, in writing, shall be received by such authority or officer as such authority or officer may consider reasonable.
- (2) If any such requisition or order or any portion thereof is not complied with within the period specified in the notice under sub-section (1) above, the Commissioner may, subject to the provisions of section 318 of the Act and such regulations / Bye-laws as may be made by the Corporation in this behalf, take such measures, or cause such measures to be taken, as may, in his opinion, be necessary for causing due compliance with such requisition or order, and, except where otherwise expressly provided in this Act or the rules or the regulations made thereunder, the expenses, if any, incurred by such authority or officer in causing such compliance shall be paid by the person or persons to whom such notice is issued.
- (3) The Commissioner may take any scheme, execute any work, or cause anything to be

done under this section, notwithstanding any prosecution or punishment or liability to punishment of any person under this Act or the rules or the regulations made thereunder for his failure to comply with such requisition or order.

Submission of objections to comply with notice.

318. (1) Any person who has been served with a notice under sub-section (1) of section 317 of the Act may, within such period as is specified in such notice, deliver to the municipal authority or the officer or the Corporation, as the case may be, any objection, in writing, setting forth the objections which he may desire to state for withdrawal or modification of such notice.
- (2) Every such objection shall be placed before the Commissioner for determination and, pending such determination, compliance with any requisition or order in accordance with such notice shall be stayed.
- (3) The Commissioner or, if he so directs, any other officer of the Corporation of such rank as may be specified by him, other than an officer who has issued such notice, shall, after hearing the person concerned or his agent duly authorized by him, in writing, in this behalf and after considering the circumstances of the case, make such order, either confirming or modifying or cancelling the notice, as he thinks fit.
- (a) Where the Commissioner or the other officer of the Corporation referred to in sub-section (3) makes an order under that sub-section, either confirming or modifying the notice, he may, if he thinks fit,-
- (i) direct that a portion of the expenses, if any, to be incurred in complying with the notice as confirmed or modified shall be borne by the Corporation, and

(ii) fix a time within which the notice so confirmed shall be complied with.

(b) If the notice as confirmed or modified is not complied with by such person within the time fixed under sub-clause (ii) of clause (a), the Commissioner shall take such measures, or cause such work to be executed, or such thing to be done, as may, in his opinion, be necessary for causing due compliance with such notice, and the expenses, if any, incurred by the Commissioner in this behalf shall be payable to the Commissioner on demand and, if not paid within ten days of such demand, shall be recoverable as an arrear of tax under this Act.

H. Recovery of Expenses

Power of Corporation to enter into agreement for payment of expenses in instalments.

319. (1) When, under this Act or the rules or the regulations made thereunder, the expenses of any measure taken or work executed or thing done by or under the order of any municipal authority or any officer of the Corporation or any Magistrate are payable by any person, the Commissioner may, if he thinks fit and with the approval of the Empowered Standing Committee, notwithstanding anything to the contrary contained in this Act or the rules or the regulations made thereunder, enter into an agreement with such person for payment of such expenses in such instalments, and at such intervals, as will secure the recovery of the whole amount due with interest thereon at such rate of interest as may be determined by the State Government from time to time within such period, not exceeding six years, as the Corporation may determine.
- (2) Every such agreement shall provide for adequate security against the whole amount due from such person.

Power of Corporation to declare certain expenses to be improvement expenses

320. (1) If any expenses are to be recovered or are incurred on account of any work mentioned in the rules or the regulations made under this Act, the Corporation may, if it thinks fit, declare such expenses to be improvement expenses.
- (2) A register shall be maintained by the Commissioner showing all expenses declared to be improvement expenses under this section, and such register shall be open to inspection by any person upon payment of such fee as may, from time to time, be determined by the Empowered Standing Committee.

Improvement expenses, how recoverable and by whom payable.

321. (1) Any improvement expenses under section 320 of the Act shall be a charge on the premises in respect of which, or for the benefit of which, such expenses are incurred, and shall be recoverable in such instalments, and at such intervals, as may be sufficient to discharge such expenses with interest thereon at such reasonable rate as may be determined by the Corporation from time to time.
- (2) The improvement expenses shall be payable by the owner or the occupier of the premises on which such expenses are chargeable.

Recovery of improvement expenses paid by occupier.

322. Notwithstanding anything contained in section 321 of the Act, when the occupier of any premises pays any instalment of improvement expenses, he shall, subject to any agreement to the contrary, if any, between himself and the owner of such premises, be entitled to deduct the amount of such instalment from the rent payable by him to such owner or to recover such amount from such owner in pursuance of any order of a court of competent jurisdiction.

Execution of work
by occupier on the
failure of owner.

323. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or the rules or the regulations made thereunder, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute such work and shall, subject to any agreement to the contrary between himself and the owner of such land or building, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct any amount thereof from the rent payable by him to such owner.

Relief to receivers,
agents and
trustees

324. (1) Whenever under this Act or the rules or the regulations made thereunder, any person, by reason of his-

(a) receiving the rent of any immovable property as receiver or agent or trustee of such property, or

(b) being such receiver or agent or trustee, would receive the rent if such property were let to a tenant,

is bound to discharge any obligation imposed on the owner of such property but has not at his disposal funds, belonging or payable to such owner, sufficient for the purpose of discharging such obligation, he shall, within a period of six weeks from the date of service upon him by any municipal authority or officer of the Corporation empowered in this behalf under this Act, of any notice requiring him to discharge such obligation, apply to a court of competent jurisdiction for leave to raise such funds or for such directions as he may consider necessary for such purpose.

- (2) If such receiver or agent or trustee fails to apply to a court of competent jurisdiction under sub-section (1) above or, after such

court has granted leave to raise funds or has issued directions, fails to discharge such obligation or to comply with such directions within twelve months of such leave or such directions, he shall be personally liable to discharge such obligation.

I. Payment of Compensation

General power of Corporation to pay compensation.

325. In any case not otherwise expressly provided for in this Act or the rules or the regulations made thereunder, the Commissioner may, with the prior approval of the Empowered Standing Committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or the rules or the regulations made thereunder on the Commissioner or on any other officer or other employee of the Corporation.

Compensation to be paid for damage to property of Corporation.

326. (1) Any person who has been convicted of any offence under this Act or the rules or the regulations made thereunder shall, without prejudice to any punishment to which he may be subject, be liable to pay such compensation for any damage to any property of the Corporation resulting from such offence as the appropriate municipal authority may consider reasonable.
- (2) In the case of any dispute regarding the amount of compensation under sub-section (1) above, such amount shall, on an application, in writing, made by such person to the Magistrate who convicts such person of such offence, be determined by such Magistrate, and, if the amount of compensation so determined is not paid by such person, such amount shall be recovered under a warrant from such Magistrate as if it were a fine imposed by him on the person liable thereof.

J. Recovery of Expenses or Compensation in Case of Disputes

Reference by Corporation to Civil Court in certain cases of recovery of expenses.

327. (1) If, in respect of any expenses referred to in section 319 of the Act, any dispute arises, the Commissioner shall refer such dispute to the Civil Court having jurisdiction for determination.
- (2) Upon such reference, the Commissioner shall defer further proceedings for the recovery of such expenses and shall recover only such amount, if any, as may be determined by the Civil Court having jurisdiction.

Application to Civil Court in certain cases of payment of expenses or compensation.

328. Save as otherwise provided in this Act or the rules or the regulations made thereunder or in any other law for the time being in force, in the case of any dispute in respect of any expenses or any compensation payable to any person by any municipal authority or any officer or other employee of the Corporation or any other person under this Act or the rules or the regulations made thereunder, the amount of such expenses or such compensation shall be determined by the Civil Court having jurisdiction at any time within one year from the date of such expenses or such compensation first becoming due.

K. Recovery of Certain Dues

Recovery of certain dues of Corporation.

329. Save as otherwise provided in this Act or the rules or the regulations made thereunder, any sum due to the Corporation on account of any charge, cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if it were property tax.

L. Obstruction of Owner by Occupier

Application to Civil Court by owner when occupier prevents from complying with Act etc.

330. (1) Any owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or the rules or the regulations made thereunder or any requirement under any such provision in respect of such land or building, apply to the Civil Court having jurisdiction within the time fixed for compliance with such provision or requirement, and, thereupon, such owner shall not be liable for his failure to comply with such provision or requirement within the time fixed for such compliance.
- (2) On receipt of any application under sub-section (1) above, the Civil Court may make an order, in writing, requiring the occupier of the land or the building, as the case may be, to afford all reasonable facilities to the owner for complying with the provision or the requirement as aforesaid, and may also, if it thinks fit, direct that the costs of such application and order shall be paid by the occupier.
- (3) The occupier shall, within eight days from the date of any order under sub-section (2) above, afford all reasonable facilities to the owner in compliance with such order. In the event of any continued refusal by the occupier to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise have incurred by reason of his failure to comply with the provision or the requirement as aforesaid.

M. Proceedings before the Civil Court

Procedure in Civil Court.

331. Whenever under this Act any application, appeal or reference is made to a Civil Court having jurisdiction, such Civil Court may, for

the purpose of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence or compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the Code of Civil Procedure, 1908, and, in all matters relating to any such enquiry or proceedings, the Court shall be guided generally by the provisions of the Code of Civil Procedure, 1908, so far as such provisions are applicable to such inquiry or proceeding.

Central Act 5 of
1908.

N. Municipal Magistrates and Proceeding before Municipal Magistrates

Municipal
Magistrate.

332. (1) The State Government may, in consultation with the High Court of the State, appoint one or more Judicial Magistrates of the First Class for the trial of offences against-
- (a) this Act, and
- (b) the rules and the regulations made thereunder,
- and may prescribe the time within which, and the place at which, such Judicial Magistrate or Judicial Magistrates shall sit for such trial of offences.
- (2) Every such Judicial Magistrate shall exercise all other powers, and discharge all other functions, of a Magistrate as provided in this Act.
- (3) Every Judicial Magistrate appointed under sub-section (1) above shall be called Municipal Magistrate.
- (4) The procedure in the court of a Municipal Magistrate shall, except where otherwise specifically provided in this Act, be in

Central Act 2 of
1974.

		accordance with the provisions of the Code of Criminal Procedure, 1973.	
Certain offences to be cognizable.	333.	The offences mentioned in section 259, section 267, section 268, section 270, section 310, and section 363 of the Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1973.	Central Act 2 of 1974.
Power of Municipal Magistrate to hear cases in absence of accused summoned to appear.	334.	<p>If, in any case, any person, who is summoned to appear before a Municipal Magistrate to answer any charge of an offence under this Act or the rules or the regulations made thereunder, fails to appear on the date and at the time and the place mentioned in the summons issued in this behalf or on any subsequent date to which the hearing of such case is adjourned, the Municipal Magistrate may, if -</p> <p>(a) service of the summons is, to his satisfaction, proved to have been effected, and</p> <p>(b) no sufficient cause is shown for non-appearance of such person,</p> <p>hear and determine such case in the absence of such person.</p>	
Limitation of time for prosecution.	335.	<p>No person shall be liable to any punishment for an offence under this Act or the rules or the regulations made thereunder unless a complaint of such offence is made before a Municipal Magistrate within six months next after -</p> <p>(a) the date of commission of such offence, or</p> <p>(b) the date on which the commission or the continuance of such offence is first brought to the notice of the Corporation or the Commissioner.</p>	

Complaint
regarding nuisance
and removal
thereof.

336. (1) The Commissioner or any other officer of the Corporation authorized by him in this behalf, in writing, or any person who resides or owns property in the Municipal Corporation area, may complain of the existence of any nuisance to a Municipal Magistrate.
- (2) Upon receipt of any such complaint, the Municipal Magistrate, after making such inquiry as he considers necessary, may, if he thinks fit, by an order, in writing,
- (a) direct the person responsible for such nuisance or the owner of the land or the building on which such nuisance exists to take, within such period as may be specified in the order, such measures for abating, preventing, removing or remedying such nuisance as may appear to the Municipal Magistrate to be practicable and reasonable, and may direct the Commissioner to enforce any of the provisions of this Act or the rules or the regulations made thereunder for prevention of such nuisance, and
- (b) further direct the person held responsible for the nuisance to pay to the complainant such reasonable cost of the complaint (including compensation for loss of time in prosecuting such complaint) as the Municipal Magistrate may determine:
- Provided that where, in the opinion of the Municipal Magistrate, immediate action to prevent the nuisance is necessary, he may dispense with the inquiry and make forthwith such order as he considers necessary.
- (3) If any person responsible for any nuisance or any owner of any land or building on which any nuisance exists fails to comply with any

order under sub-section (2) above within the period specified in the order, the Commissioner may, on the expiry of such period, proceed to take necessary action in accordance with the order, or may take such other measures to abate, prevent, remove or remedy the nuisance as he may consider necessary, and the cost of any such action shall be recovered from such person or such owner, as the case may be.

Appeal from Municipal Magistrate to District and Sessions Judge.

337.

Appeal shall lie against the order of Municipal Magistrate to the District and Sessions Judge.

O. *Legal Proceedings*

Power to institute etc. legal proceeding and to obtain legal advice.

338.

The Commissioner may-

(a) take, or withdraw from, proceeding against any person who is charged with -

(i) any offence under this Act or any rules or regulations made thereunder, or

(ii) any offence which affects, or is likely to affect, any property or interest of the Corporation or the due administration of this Act, or

(iii) committing any nuisance whatsoever, or

(b) agree or disagree any appeal against assessment of any tax or rate, or

(c) take, or withdraw from, or compromise, any proceeding under this Act for the recovery of expenses or compensation claimed to be due to the Corporation, or

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person, or

- (e) defend any suit or other legal proceeding brought against the Corporation or against any municipal authority or any officer or other employee of the Corporation in respect of anything done or omitted to be done by the Corporation or such municipal authority or officer or other employee under this Act or the rules or the regulations made thereunder in the official capacity, or
- (f) agree, with the approval of the Empowered Standing Committee or, where there is no Empowered Standing Committee, with the approval of the Corporation, any claim, suit or other legal proceeding brought against the Corporation or any municipal authority or any officer or other employee of the Corporation in respect of anything done or omitted to be done under any of the foregoing clauses of this section, or
- (g) withdraw from, or agree to, any claim against any person in respect of a penalty payable under any contract entered into with such person by the Commissioner on behalf of the Corporation, or
- (h) institute or prosecute any suit or other legal proceeding or, with the approval of the Empowered Standing Committee, or where there is no Empowered Standing Committee, with the approval of the Corporation, withdraw from, or compromise, any suit or claim, other than a claim referred to in clause (d), instituted or made, as the case may be, in the name of the Corporation or the Commissioner, or
- (i) obtain, for any of the purposes mentioned in the foregoing provisions of this section or for securing lawful exercise or

discharge of any power or duty vesting in, or imposed upon, any municipal authority or any officer or other employee of the Corporation, such legal advice and assistance as he may, from time to time, consider necessary or expedient, or as he may be required by the Corporation or the Empowered Standing Committee, to obtain.

Notice, limitation,
and tender of
amends in suits
against
Corporation etc.

339. (1) No suit shall be instituted in any court having jurisdiction against any municipal authority or any officer or other employee of the Corporation or any person acting under the direction of any municipal authority or any officer or other employee of the Corporation in respect of anything done, or purported to be done, under this Act or the rules or the regulations made thereunder, until the expiration of one month next after a notice, in writing, has been delivered or left at the office of such authority or at the office or the residence of such officer or other employee or person, stating.
- (a) the cause of action.
 - (b) the name and residence of the intending plaintiff, and
 - (c) the relief which such plaintiff claims.
- (2) Every such suit shall be commenced within four months next after accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required under sub-section (1) above.
- (3) If the municipal authority, at the office of which, or the officer or the other employee of the Corporation or the person acting under the direction of any municipal authority or any officer or other employee of the Corporation, at the office or the residence of whom, a notice has been delivered or left

under sub-section (1) above, satisfies the court having jurisdiction that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.

- (4) Nothing in the foregoing provisions of this section shall apply to any suit instituted under section 38 of the Specific Relief Act, 1963.

Central Act 47
of 1963.

Indemnity.

340.

No suit shall be maintainable against any municipal authority or any officer or other employee of the Corporation or any person acting under the direction of any municipal authority or any officer or other employee of the Corporation or a Magistrate in respect of anything done lawfully and in good faith and with due care and attention under this Act or the rules or the regulations made thereunder.

P. Powers and duties of Police Officers

Co-operation of
police.

341.

- (1) The Inspector-General of Police, the Commissioner of Police, if any, and the officers and the other employees subordinate to the Inspector-General of Police and the Commissioner of Police, if any, shall-

(a) co-operate with the Corporation for carrying into effect, and enforcing, the provisions of this Act and for maintaining good order in and outside the Municipal Corporation area, and

(b) assist the Corporation or the Commissioner or any other officer or other employee of the Corporation in carrying out any order made by a Magistrate under this Act.

- (2) It shall be the duty of every police officer-

(a) to communicate without delay to the Commissioner or any other officer of the

Corporation any information which he received in respect of any design to commit, or any commission of, any offence under this Act or the rules or the regulations made thereunder, and

(b) to assist the Commissioner or any other officer or other employee of the Corporation requiring his aid for the lawful exercise of any power vesting in the Corporation or the Commissioner or such other officer or other employee under this Act or the rules or the regulations made thereunder.

(3) Any officer or other employee of the Corporation may, when empowered by a general or special order of the Inspector-General of Police, or the Commissioner of Police, if any, on the recommendation of the Corporation in that behalf, exercise the powers of a police officer for such of the purposes of this Act as may be specified in such general or special order.

(4) The District Magistrate, the Sub-Divisional Magistrate, and the officers under them and the other employees subordinate to them shall cooperate with the municipal authorities in the performance of their duties under this Act.

Power of police to arrest offenders.

342. (1) Any police officer may arrest any person who commits, in his view, any offence under this Act or the rules or the regulations made thereunder, provided that such person declines to give, on demand, his name and address or gives a name or address which the police officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his correct name and address are ascertained or without the order of a

Municipal Magistrate for a period longer than twenty-four hours from the time of arrest, exclusive of the period necessary for the journey from the place of arrest to the court of such Municipal Magistrate.

- (3) On an application, in writing, of the Commissioner or any other officer authorized by him in this behalf, any police officer above the rank of a constable shall arrest any person who obstructs the Commissioner or any other officer or other employee of the Corporation in the exercise of any power or performance of any function or discharge of any duty under this Act or the rules or the regulations made thereunder.
- (4) On an application, in writing, of the Commissioner or any other officer, not below the rank of an officer authorized in this behalf by the Commissioner under sub-section (3) above, any police officer above the rank of a constable shall arrest any person who, in violation of the order referred to in sub-section (1) of section 267 of the Act, commences the erection of a building, or execution of any work, referred to in that sub-section or carries on such erection or such execution.

Q. General Provisions

Validity of notice and other document.

343.

No notice, order, requisition, licence or permission, in writing, or any other document, issued under this Act, shall be invalid merely by reason of defect of Form.

Admissibility of document or entry as evidence.

344.

A copy of any receipt, application, plan, notice, order, or other document or any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorized by the Commissioner in this behalf, be admissible in evidence of the

existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded, in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

Evidence of officer or employee of Corporation.

345.

No officer or other employee of the Corporation shall, in any legal proceeding to which the Corporation is not a party, be required to produce any register or document, the contents of which can be proved by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein, save by an order made by a court having jurisdiction.

Prohibition against obstruction of Mayor or any municipal authority etc.

346.

No person shall obstruct or molest -

(a) any municipal authority, or the Mayor, or the Deputy Mayor, or a Councillor, or the Commissioner, or any employee of the Corporation or any person employed by the Corporation, or

(b) any person, authorized or empowered by or under this Act or with whom the Corporation or any of the municipal authorities has lawfully entered into a contract,

in the performance of his or its duty, or in the execution of his or its work, or anything which he or it is empowered or required to do by virtue, or in consequence, of any provision of this Act or the rules or the regulations made thereunder, or in the fulfilment of the contract, as the case may be.

Prohibition against removal of mark.

347.

No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or the rules or the regulations made thereunder.

Prohibition against removal or obliteration of notice.

348. No person shall, without authority, remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the Corporation, or any municipal authority, or any officer or other employee of the Corporation specified by the Commissioner in this behalf.

Prohibition against unauthorized dealings with public place or materials.

349. No person shall, without authority in that behalf, remove earth, sand or other material from, or deposit any matter in, or make any encroachment on, any land vested in the Corporation, or in any way obstruct such land.

Liability for loss, waste or misapplication of money or property of Corporation.

350. (1) Every person 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 in the performance of his duty, and he may, after being given an opportunity by a notice served in the manner provided for the service of summons in the Code of Civil Procedure, 1908, to show cause by a representation, in writing or oral, why he should not be required to make good the loss, by order, be surcharged with the value of such property or the amount of such money by the Director of Local Bodies, and if the amount is not paid within one month of the expiry of the period of appeal specified in sub-section (2) below, it shall be recoverable as an arrear of tax leviable under this Act.

Central Act 5 of 1908.

- (2) The person, against whom an order under sub-section (1) above is made, may, within thirty days of the date of communication of the order, appeal to the State Government, and the State Government may confirm, modify or disallow the surcharge:

Provided that no person shall, under this section, be called upon to show cause after the expiry of a period of four years, or,

		in the case of a Councillor, after a period of one year, from the occurrence of such loss or waste or misapplication.	
Councillors and officers and other employees of Corporation to be public servants.	351.	Every Councillor, the Commissioner, and every other officer or other employee of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.	Central Act 45 of 1860.
Other laws not to be disregarded.	352.	Save as otherwise expressly provided in this Act, nothing contained in this Act shall be construed to authorize the Corporation or any municipal authority or any officer or other employee of the Corporation to disregard any law for the time being in force.	

Chapter XXXIX

Appeals

Appeals from Commissioner to Empowered Standing Committee.	353.	(1) Notwithstanding anything contained in the provisions of this Act in the matter of appeal, an appeal shall lie to the Empowered Standing Committee from-	
		(a) any notice issued or other action taken or proposed to be taken by the Commissioner-	
		(i) under any section of this Act;	
		(ii) under any bye-law concerning house-drainage, or the connection of house-drains, with municipal drains or house-connections with municipal water supply or lighting mains;	
		(b) any refusal by the Commissioner to grant permission to conduct or reconstruct a building;	
		(c) any refusal by the Commissioner to grant a permission under any section of this Act;	

- (d) any refusal by the Commissioner to grant a licence;
 - (e) any order of the Commissioner suspending or revoking a licence;
 - (f) any other order of the Commissioner that may be made applicable by rules framed under this Act.
- (2) If, on any such appeal the Empowered Standing Committee reverses or substantially modifies any action taken or proposed to be taken by the Commissioner or any order passed by him, he may, within sixty days of the date of receipt of order refer the matter to the Government and pending the decision of the Government on such reference the Commissioner shall not be bound to give effect to the decision of the Empowered Standing Committee.

The decision of the Empowered Standing Committee, or where the matter has been referred to the Government as aforesaid, the decision of the Government shall be final.

Provided that notwithstanding any contained in the Act, during the period of supersession, an appeal shall lie before the Administrator under this section as if the appeal has been preferred before the Empowered Standing Committee.

- (3) Notwithstanding anything contained in the principal Act, the State Government may, at any time, call for records in any matter from the Corporation and give such order as may be deemed necessary after examination of such records. The order of the State Government, in this regard, shall be final.
- (4) In any case in which no time is laid down in the forgoing provisions of this Act, for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 5 of the Indian Limitation Act, 1908 be presented-

(a) where the appeal is against an order granting a licence or permission, with in thirty days after the date of the publication of the order on the notice board of the Corporation and;

(b) in other case within thirty days after the date of receipt of the order or proceeding against which the appeal is made.

Chapter XL

Rules and Regulations

Power to make rules.

354. (1) The State Government may, by notification, make rules Bye-Laws for carrying out the purposes of this Act.
- (2) Any rule made under this Act may provide that any contravention thereof shall be punishable with fine as may be prescribed.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature while it is in session.

Power to make regulations.

355. The Corporation may, from time to time, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder for the purpose of giving effect to the provisions of this Act.

Conditions precedent to making of regulations.

356. The power to make regulations under this Act is subject to the condition of the regulations being made after previous publication and to the following further conditions, namely:
- (a) such draft of regulations shall not be further proceeded with until a period of one month has expired from the date of such publication,
- (b) for not less than one month during such period, a printed copy of such draft shall be kept in the office of the Corporation for public inspection, and any person shall be permitted at any reasonable time to peruse such draft, free of charge, and

(c) printed copies of such draft shall be obtainable by any person requiring such draft on payment of such fee as may be fixed by the Empowered Standing Committee.

Regulations to be subject to approval of State Government.

357. (1) No regulation, Bye-Laws made by the Corporation under this Act shall have any effect until it has been approved by the State Government and published in the *Official Gazette*.
- (2) Before approving any regulations, Bye-Laws, rules the State Government may make such changes therein as may appear to it to be necessary.

Chapter XLI

Offences and Penalties

Punishment for certain offences.

358. Whoever -
- (a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or any other provision of this Act, or
- (b) fails to comply with any order lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions,
- shall be punishable -
- (i) with fine which may extend to such amount, or with imprisonment which may extend to such period, as the State Government may, by rules, provide, and
- (ii) in the case of a continuing contravention or failure, with an additional fine which may extend to such amount as the State Government may, by rules, provide for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

Punishment for acquiring share or interest etc. with Corporation.	359.	Any Councillor who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation except as a shareholder (other than a Director) in an incorporated company or as a member of a co-operative society shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code.	Central Act 45 of 1860.
Fine for putting building to any use other than that for which a licence has been granted.	360.	When any premises is used or is permitted to be used by any person for any purpose other than that for which a licence has been granted under this Act or as a stable or cow-house, then such person shall, without prejudice to any other penalty to which he may be subject, be liable to a fine which may extend, in the case of a masonry building, to an amount as may be prescribed and, in the case of a hut, to an amount as may be prescribed, and, in the case of continuance of such use, to a further fine which may extend, in the case of a masonry building, to an amount as may be prescribed and, in the case of a hut, to an amount as may be prescribed for each day during which such use continues after the first day.	
Penalty for obstructing contractor.	361.	Whoever obstructs or molests any person with whom the Corporation has entered into a contract for execution of any work under this Act shall, on conviction, be punished with imprisonment for a term which may extend to two months or with fine as may be prescribed.	
Penalty for causing damage to property belonging to Corporation.	362.	No person shall cause any damage to any property belonging to the Corporation. Any person causing any damage to any property belonging to the Corporation shall, on conviction, be punished with fine as may be prescribed.	

- Encroachment on streets. 363. No person shall cause any encroachment or obstruction on any municipal property such as a street or footpath or park without specific permission of an officer of the Corporation duly authorized to grant such permission. Any person causing such encroachment or obstruction on any municipal property as aforesaid shall, be liable to be evicted forthwith by the commissioner.
- Punishment of imprisonment in default of payment of fine. 364. In every case where, under this Act, an offence is punishable with fine, or with imprisonment or fine, or with both, and a person is sentenced by a Court having jurisdiction to pay a fine, it shall be competent for such Court to direct that in default of payment of fine, he shall suffer imprisonment for such term or, as the case may be, such further term, not exceeding six months, as the Court may fix.
- General penalty. 365. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice or order or requisition issued under any provisions thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to an amount as may be prescribed, and, in the case of a continuing failure or contravention, with an additional fine which may extend to an amount as may be prescribed for every day after the first during which he has persisted in such failure or contravention.
- Offences by companies. 366. Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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- Prosecution. 367. Save as otherwise provided in this Act, no Court shall proceed to the trial of any offence punishable by or under this Act except on the complaint of, or upon information received from, the Commissioner or any person authorized by him by general or special order in this behalf.
- Compounding of offences. 368. (1) The Commissioner or, if so authorized by the Corporation in this behalf by a general or special order, the Municipal Health Officer, the Municipal Engineer or any other officer of the Corporation may, either before or after the institution of the proceeding and on payment of such fee as may be specified by regulations, compound any offence as may be classified as compoundable by the State Government by rules.
- (2) Notwithstanding anything contained in subsection (1) above, no offence punishable by or under this Act or by any rule or regulation made thereunder shall be compoundable if such offence is committed due to the failure to comply with any notice, order or requisition, as the case may be, issued by or on behalf of any of the municipal authorities referred to in section 11 of the Act, unless and until such notice, order or requisition, as the case may be, has been complied with in so far as such compliance is possible.
- (3) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of the offence so compounded.

Chapter XLII**Supplemental Provisions*****Miscellaneous and Transitory Provisions***

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| Provisions of the chapter to override other provisions. | 369. | The provisions of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act. |
| Removal of difficulties. | 370. | <p>If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do or cause to be done anything which may be necessary for removing the difficulty:</p> <p style="padding-left: 40px;">Provided that no such order shall be made after the expiry of a period of five years from the date of commencement of this Act.</p> |
| Transitory provision. | 371. | <p>(1) Notwithstanding anything to the contrary contained elsewhere in this Act, the State Government may appoint a person to be called the Administrator to exercise all the powers and discharge all the functions of the municipal authorities mentioned in the Act, for the period from the date of coming into force of this Act till the first meeting of the Corporation at which a quorum is present.</p> <p>(2) The Administrator appointed under subsection (1) above, may constitute such Committees, and for such period, as he may deem fit.</p> <p>(3) Each such Committee shall consist of not more than twenty-five persons, appointed on such terms and conditions as the Administrator may deem fit, and shall advise the Administrator in the discharge of his functions under this Act.</p> |

Chapter XLIII**Election**

Notification for
election of
Councillors.

372. (1) For the purposes of constituting the Corporation, the State Election Commission shall, by one or more notifications published in the *Official Gazette*, call upon all the wards to elect Councillors in accordance with the provision of this Act and the rules and orders made thereunder before such date or dates as may be specified in the notification or notifications. A general election of Councillors shall be held for the purpose of constituting the Corporation under this Act.
- (2) Every person whose name is for the time being, entered in Election Roll for a ward shall be entitled to vote at the election of Councillor from that ward.
- (3) Voting shall be by secret ballot or by Electronic Voting Machine as may be decided by the State Election Commission.
- (4) Notwithstanding contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such manner as may be prescribed, in such ward or wards as the State Election Commission may, having regard to the circumstances of each, 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.

Vacancy in office of
Councillor.

373. When a vacancy occurs in the office of a Councillor, the State Election Commission shall, as soon as may be, after the occurrence of such vacancy by a notification in the *Official Gazette* call upon the ward concerned to elect a person for the purpose of filling the vacancy:

Provided that no election shall be held to fill a vacancy occurring within six months prior to the holding of general election.

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| Procedure if election fails or it set aside | 374. | If at a general election or a subsequent bye-election held to fill a vacancy no Councillor is elected or an insufficient number of Councillor are elected or the election of any or all of the Councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to have been elected in his place or their places, the State Election Commission shall fix another day for holding a fresh election and fresh election shall be held accordingly in the prescribed manner. |
| Procedure on failure of election in case of equality of votes. | 375. | If at a general election or an election held to fill a vacancy there is an equality of votes between two or more candidates, the State Election Commission shall decide by drawing lots which candidate shall be deemed to have been elected. |
| Term of office of Councillors | 376. | The term of the Corporation shall be for five years and shall continue from the date of first meeting after publication of the result of the general election. The term of the office of a Councillor shall be co-terminus with the term of the Corporation. |
| Publication of results of election. | 377. | The names of all persons elected as Councillors shall as soon as may be after such election be published by the Government in the <i>Official Gazette</i> :

Provided that the names of all councillors elected at a general election shall be so published as far as possible simultaneously. |
| Resignation of office by Councillor. | 378. | Any Councillor may by writing under his hand addressed to the Mayor resign his office and such resignation shall take effect from the date on which it is accepted by the Mayor. |

TRIAL OF ELECTION PETITIONS

Definitions.

379.

In this chapter unless there is anything repugnant in the context —

(a) “Costs” mean all costs charges and expenses of or incidental to the trial of an election petition;

(b) “Corrupt practice” means any of the practices so defined in the Representation of Peoples’ Act, 1951 as amended from time to time;

Central Act 43 of
1951.

(c) “Election” means an election held under the provisions of this Act or of any rules made thereunder; and

(d) “Advocate” means any person entitled to appear and plead for another in a Civil Court and includes a Pleader, a vakil and an Attorney of High Court.

Election petition.

380.

(1) No election shall be called in question except by an election petition presented in accordance with the provisions of this section.

(2) Such election petition shall be presented to the prescribed authority within forty-five days from the date on which the result of the election is notified;

(3) An election petition calling in question any such election may be presented on one or more of the grounds specified in Section 382 of the Act, by any candidate at such election or, by any elector of the ward concerned;

(4) An election petition —

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

(b) shall with sufficient particular set forth the ground or grounds on which the election is called in question;

(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; and

Central Act 5 of 1908.

(d) shall be accompanied by a sum of rupees two hundred and fifty for election petition.

Appointment of District Judge.

381.

The procedure provided in the Code of Civil Procedure, 1908 in regard to the suits shall be followed by the Court of the District Judge as far as it can be made applicable in the trial and disposal of an election petition under this Act.

Central Act 5 of 1908.

Ground for declaring election to be void.

382.

(1) Subject to the provisions of sub-section (2) below, if the District Judge is of opinion -

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a Councillor under this Act, or

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

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected —

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or

(iii) by the improper acceptance or refusal of any vote or reception of any which is void; or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made;

the District Judge shall declare the election of the returned candidate to be void.

(2) If in the opinion of the District Judge, the agent of a returned candidate has been guilty of any corrupt practice but the Judge is satisfied -

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

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

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

Decision of the
District Judge

383. (1) At the conclusion of the trial of an election petition, the District Judge shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

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

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or other candidate has been duly elected and the District Judge 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, the petitioner or such other candidate would have obtained a majority of the valid votes;

the District Judge 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.

(3) The District Judge after pronouncing orders made under this section shall send a copy thereof to the Corporation and the Government.

(4) Every order of the District Judge under this section shall take effect as soon as it is pronounced by him:

Provided that an application may be made to the District Judge's Court for stay of operation of an order made by him under this Section before the expiration of the time allowed for appealing therefrom and the District Judge may, on sufficient cause being shown and on such terms and conditions as he may think fit stay operation of the order, but on application for stay should be made to the District Judge after an appeal has been preferred to the High Court:

Provided further that where by any such order the election of a returned candidate is declared to be void, acts and proceedings in which that candidate has, before the date of the order, participated as a

Appeals from the
order of District
Judge.

- member of the Corporation shall not be invalidated by reason of that order.
384. (1) An appeal shall lie from every order passed by the District Judge under section 383 of the Act to the High Court.
- (2) The High Court shall subject to the provisions of this Act have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this section as if it were an appeal from the original decree passed by a Civil Court situated within the local limits of its civil appellate jurisdiction.
- (3) Such appeal shall be preferred within a period of forty-five days from the date of the order of the District Judge under section 383 of the Act:
- Provided that the High Court may entertain an appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within such period:
- Provided further that where an appeal has been preferred against an order made under this section, the High Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.
- (4) The decision of the High Court on an appeal under this section shall be final and conclusive.

Schedule – I**Form A**

[See section 8 (4)]

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

Form B

[See section 15 (1)]

"I, A.B., do swear in the name of God / solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the presiding officer or as a member of the Empowered Standing Committee except as may be required for the due discharge of my duties."

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.