

GOVERNMENT OF ARUNACHAL PRADESH
LAW AND JUDICIAL DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

19th March, 2008

No. LAW/LEGN-21/2007.—The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 17th March, 2008)

The Arunachal Pradesh Municipal Act, 2007

(ACT NO. 4 OF 2008)

AN

ACT

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

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

PRELIMINARY

CHAPTER – I

1. (1) This Act may be called the Arunachal Pradesh Municipal Act, 2007. Short title, extent and commencement.
- (2) It shall extend to the whole of the State of Arunachal Pradesh or part thereof as may be notified by the State Government from time to time excluding defence 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 areas.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (1) “*Adhoc* Committee” means an *Adhoc* Committee appointed under section 33;
 - (2) “Auditor” means an Auditor appointed under section 93, and includes any officer authorized by him to perform all or any of the functions of an Auditor under this Act;
 - (3) “Balance sheet” means the balance sheet prepared under section 91;
 - (4) “Bio-medical waste” means waste generated during diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biologicals;
 - (5) “Bridge” includes a culvert;
 - (6) “Budget Estimate” means the budget estimate prepared under section 84;

- (7) “Budget Grant” means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Municipality, and includes any sum by which such budget grant is increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the rules and the regulations there under ;
- (8) “Building” means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three meters in height) enclosing or intended to enclose, any land, sign or outdoor display-structure but does not include a tent, shamiana or tarpaulin shelter ;
- (9) “Cadres” of common municipal services” means the cadres of common municipal services constituted under sub-section (1) of section 43;
- (10) “Carriage” means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a auto-rickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of children or elderly, infirm or handicapped persons ;
- (11) “Cart” means any hackney or wheeled vehicle with or without springs, which is not a carriage, and includes a handcart, a cycle van and a push van but does not include any wheeled vehicle which is propelled by mechanical power or its trailer ;
- (12) “Category ‘A’ post” means a category ‘A’ post classified as such under section 37 ;
- (13) “Category ‘B’ post” means a category ‘B’ post classified as such under section 37;
- (14) “category ‘C’ post” means a category ‘C’ post classified as such under section 37;
- (15) “category ‘D’ post” means a category ‘D’ post classified as such under section 37;
- (16) “Chief Councillor” means,-
- (i) in relation to a Municipal Corporation, the Mayor,
 - (ii) in relation to a Municipal Council, the Municipal Chairperson, and
 - (iii) in relation to Nagar Panchayat, the Municipal president ;
- (17) “Chief Municipal Executive Officer” means,-
- (i) in relation to a Municipal Council in Capital Region and “Municipal Executive Officer” means,-
 - (ii) in relation to a Municipal Council or Nagar Panchayat, in districts.
- (18) “City” means a larger urban area declared to be a city under section 3 ;
- (19) “Class ‘A’ smaller urban area” means a smaller urban area classified as such under section 7 ;
- (20) “Class ‘B’ smaller urban area” means a smaller urban area classified as such under section 7 ;
- (21) “Class ‘C’ smaller urban area” means a smaller urban area classified as such under section 7 ;
- (22) “Councillor”, in relation to a Municipality, means a person chosen by direct election from a ward of that Municipality ;

- (23) “Cubical extent,” with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey ;
- (24) “dangerous disease” means-
- (a) Cholera, plague, small-pox, cerebrospinal meningitis, diphtheria , Tuberculosis, leprosy, influenza, encephalitis, poliomyelitis, or syphilis; or
 - (b) any other epidemic, endemic, infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act ;
- (25) “Deputy Chief Councilor” means,-
- (a) in relation to a Municipal Corporation, the Deputy Mayor,
 - (b) in relation to a Municipal Council, the Municipal Vice- Chairperson, and
 - (c) in relation to a Nagar Panchayat, the Municipal Vice president ;
- (26) “Director of Urban Local Bodies” means an officer appointed as such by the State Government’ and includes an Additional Director, a Joint Director, a Deputy Director, or any other officer of nodal department of the State Government authorized by it to perform the functions of the Director of Urban Local Bodies under this Act,
- (27) “Domestic purpose” in relation to the supply of water, means the purpose other than those referred to in sub-section (3) of section 172 ;
- (28) “Drain” includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water ;
- (29) “Drug” means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and Cosmetics Act, 23 of 1940;
- (30) “Dwelling- house” means a masonry building constructed, used, or adapted to be used, wholly or principally for human habitation ;
- (31) “Empowered Standing Committee” means the Empowered Standing Committee referred to in section 21 ;
- (32) “Establishment Schedule” means the Establishment Schedule prepared under section 37 ;
- (33) “Financial statement “means the financial statement prepared under section 90 ;
- (34) “ Food” includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into, or is used in the composition or preparation of, human food, and also includes confectionery, flavoring and coloring matters, spices and condiments ;
- (35) “ Footpath” means a pavement for use by pedestrians which abuts a category I or category II or category III or category IV road ;
- (36) “ Habitable room” means a room constructed or adapted for human habitation;
- (37) “Hazardous process” means the hazardous process defined in Clause (cb) of section 63 of 1948. 2 of the Factories Act, 1948 ;
- (38) “Hazardous wastes” means the categories of wastes specified as such in the 29 of 1986. Environment (Protection) Act, 1986 ;

- (39) "House- drain" means any drain of one or more premises used for the drainage of such premises ;
- (40) "House-gully" means a passage or a strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter for municipal employee ;
- (41) "Hut" means any building, no substantial part of which, excluding the walls up to a height of fifty centimeters above the floor or floor level, is constructed of masonry, reinforced concrete, steel, iron or other metal ;
- (42) "Industrial township" means such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification, specify to be an industrial township ;
- (43) "Infectious disease" or "communicable disease" means any disease which may be transmitted from one person to another and declared as such by the State Government by notification;
- (44) "Joint Committee" means a Joint Committee constituted under section 34;
- (45) "Larger urban area" means a municipal area classified as a larger urban area under section 7 ;
- (46) "Land or building" includes a slum ;
- (47) "Market" includes any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, live stock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Municipality as a market.
- (48) "Masonry building" means any building, other than a hut, and includes any structure, a substantial part of which is made of masonry, reinforced concrete, steel, iron or other metal ;
- (49) "Milk" includes cream, separated milk, and condensed, sterilized, desiccated or toned milk ;
- (50) "Municipal Accounts Committee" means a Municipal Accounts Committee constituted under section 100 ;
- (51) "Municipal Accounting Manual" means the Municipal Accounting Manual prepared and maintained under section 89 ;
- (52) "Municipal area" means an area constituted as a municipal area under section 6 ;
- (53) "Municipal drain" means a drain vested in the Municipality ;
- (54) "Municipal Fund" means the Municipal Fund referred to in section 75 ;
- (55) "Municipal Magistrate" means the Municipal Magistrate appointed under section 425 ;
- (56) "Municipal Market" means a market belonging to, or maintained by, the Municipality;
- (57) "Municipal Service Commission" means the Municipal Service Commission constituted under section 44 ;
- (58) "Municipal slaughterhouse" means a slaughterhouse belonging to, or maintained by, the Municipality ;

- (59) "Municipality" means an institution of self-government constituted under section 12, read with article 243 Q of the Constitution of India, and includes a Municipal Corporation, a Municipal Council, and Nagar Panchayat, referred to in section 13;
- (60) "Notification" means a notification published in the Official Gazette ;
- (61) "Nuisance" includes any act, omission, place or thing which causes, or is likely to cause, injury, danger, annoyance or injurious to health or property ;
- (62) "Occupier" includes any person for the time being paying or liable to pay, to the owner rent or any portion of the rent of the land or the building in respect of which the word is used or for damages on account of the occupation of such land or building, and also includes a rent-free tenant :
- Provided that an owner living in, of otherwise using, his own land or building shall be deemed to be the occupier thereof ;
- (63) "Offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance, or filth of any kind which is not included in sewage ;
- (64) "Other agency" means a company firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time being in force ;
- (65) "Owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as an agent or charitable purpose or as a receiver who would receive such rent if the land or the building or of any part of the land or the building were let to a tenant ;
- (66) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published ;
- (67) "Premises" means any land or building or part of a building or any hut or part of a hut, and includes -
- (a) the garden, ground and outhouses, if any, appertaining thereto, and
 - (b) any fittings or fixtures affixed to a building or part of a building or hut or part of a hut for the more beneficial enjoyment thereof;
- (68) "Prescribed" means prescribed by rules made under this Act;
- (69) "Presiding officer" means,-
- (a) in the case of a Municipal Council, the Municipal Chairperson,
 - (b) in the case of a Nagar Panchayat, the Municipal President;
- (70) "Private drain" means any drain which is not a municipal drain;
- (71) "Private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two meters and fifty centimeters wide ;

- (72) “Public building” means a masonry building constructed, used, or adapted to be used,-
- (a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling-house so used) or as a hospital, workhouse, public theatre, public cinema, public hall, public concert-room, public ballroom, public lecture-room, public library or public exhibition room or as a public place of assembly, or
 - (b) for any other public purpose, or
 - (c) as a hotel, lodging-house, refuge or shelter, where the building, in cubical extent, exceeds seven thousand cubic meters or has sleeping accommodation for more than one hundred person;
- (73) “Public street” means any street, road, lane, gully, alley, passage, pathway, square or 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 ;
- (74) “Regulations” means the regulations made by a Municipality under this Act ;
- (75) “Rules” means the Rules made by the State Government under this Act ;
- (76) “Sewage” means nigh-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds ;
- (77) “Smaller urban area” means a municipal area classified as a smaller urban area under section 7 ;
- (78) “State Municipal Service Commission” means the State Municipal Service Commission constituted under section 45 ;
- (79) “State Municipal Vigilance Authority” means the State Municipal Vigilance Authority appointed under section 46 ;
- (80) “Street” means a public street or a private street ;
- (81) “Street alignment” means the line dividing the land comprised in, and forming part of, a street from the adjoining land ;
- (82) “Subject Committee” means a Subject Committee constituted under section 32 ;

- (83) “Ward Committee” means a ward Committee referred to in section 31;
- (84) “Wards Committee” means a wards Committee constituted under section 30 ;
- (85) “Water-course” includes a ricer, stream or channel, whether natural or artificial ;
- (86) “Year” means a financial year beginning on the first day of April.

Chapter- II

Constitution of Municipal Areas and Classification of Municipalities

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 his intention to specify such area to be a larger urban area, or smaller urban area, or a transitional area :
- Declaration of Intention to Constitute a Municipal area.
- Provided that no such declaration shall be made unless the population :-
- (a) in the case of a larger urban area is 75 thousands or more,
 - (b) in the case of a smaller urban area, is twenty-five thousand or more but is less than 75 thousand, and
 - (c) in the case of a transitional area, is less than twenty-five thousand :
- Provided further that the non-agricultural population in all cases shall be eighty-five per cent or more.
- Explanation** :- “revenue generated for the local administration” shall not include –
- (a) taxes, if any, distributed to the Municipality by the State Government,
 - (b) loans and grants from the State Government, and
 - (c) loans and grants from the Central Government or any institution or other source.
- (2) The Governor shall, by notification, declare an area specified as-
- (i) a larger urban area to be a city,
 - (ii) a smaller area to be a town, and
 - (iii) a transitional area to be a Nagar Panchayat.
- (3) Notwithstanding anything contained in sub-section (1), the Governor may, by notification, determine separate conditions to constitute any hill area, pilgrim centre, tourist centre of *mandi* town as a municipal area.
4. (1) The notification about the constitution of a municipal area shall be published in the Official Gazette and in at least two leading newspapers, at least one of which shall be in vernacular intelligible to the inhabitants of the local area concerned. Publication of declaration.

- (2) A copy of the notification shall also be pasted in a conspicuous place in the office of the Collector of the district and, where there is a Municipality, also in the office of the Municipality, and in such other public places as the State Government may direct.
- (3) A public proclamation about the constitution of a municipal area shall be made either by beating of drum throughout the local area concerned or through any other publicity media.
- Consideration of objection.
5. Any inhabitant of the city, town or Nagar Panchayat in respect of which a notification has been published under section 4 may, if he objects to anything contained in the notification, submit his objection in writing to the State Government within one month from the date of its publication, and the State Government shall take such objection into consideration.
- Constitution of Municipal area.
6. 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 transitional area or any specified part thereof as a municipal area under this Act.
- Classification of Municipal areas.
7. The Governor may, for the purpose of application of the provisions of this Act, classify any municipal area on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published, as-
- (a) a urban area of –
- Class 'A' municipal area having population above 75,000 or
- Class 'B' municipal area having population above 30,000 but not exceeding 75,000 or
- Class 'C' municipal area having population above 20,000, but not exceeding 30,000, and
- (b) Nagar Panchayat having population not exceeding 20,000 :
- Provided that for the purpose of classification of municipal area in any hill area, pilgrim centre, tourist centre of *mandi* town, the Governor may, by notification, determine separate size of population for each class of such municipal areas.
- Power to abolish or alter limits of Municipal area.
8. The Governor may, by notification,-
- (a) withdraw any municipal area or part thereof from the operation of this Act, or
- (b) exclude from a municipal area any local area comprised therein and defined in the notification,
- (c) include within a municipal area any local area contiguous to such municipal area and defined in the notification, or
- (d) divide any municipal area into two or more municipal areas, or
- (e) unite two or more contiguous municipal area so as to constitute one municipal area, or
- (f) revise the boundary of two or more contiguous municipal areas:
- Provide that the procedure laid down for the constitution of a municipal area under this Act shall be followed *mutates mutants* in each such case:

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

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

9. Where a dwelling house, manufactory, warehouse, or place of industry or business is situated within the limits of two or more adjacent municipal areas, the State Government may, notwithstanding anything contained elsewhere in this Act, by notification, declare the municipal within which such dwelling house, manufactory, ware, or place of industry or business be deemed to be include for the purpose of this Act. Power to include certain dwelling house, manufactory, etc. within a particular Municipal area.
10. (1) The State Government may, by notification, and for reasons to be recorded in writing, except Class 'C' municipal areas or Nagar Panchayats from the operation of any of the provisions of this Act considers unsuited thereto, and, thereupon, the said provisions shall not apply to such class 'C' municipal areas or Nagar Panchayats, as the case may be until such provisions are applied thereto by notification. Power to exempt Municipal area from operation of any provisions of the Act unsuited thereto.
- (2) While a notification under sub- section (1) remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions from the operation of which the municipal areas or Nagar Panchayats as aforesaid are exempted.

Chapter-III

Municipality and Municipal Councillors

11. (1) The municipality shall consist of such number of elected Councillors as there are wards within the municipal area as determined in accordance with the provisions of any law relating to municipal election in the State. The Municipality.
- (2) The Municipality shall be a body corporate with perpetual succession and a common seal, and may, by the name of the Municipality of the city / town or the Nagar Panchayats, as the case may be, by reference to which the Municipality is known, sue and be sued.
- (3) All executive actions of the Empowered Standing Committee shall be expressed to be taken in the name of the Municipality.
- (4) Subject to the provisions of this Act, the Municipality shall have the power to acquire, hold and dispose of properties.
12. (1) The Councillors elected in a general election or a by- election of a municipality in accordance with the provisions of any law relating to municipal elections in the State, shall constitute the Municipality. Constitution of Municipality.
- (2) The Municipality shall, unless dissolved earlier, continue for a period of five years from the date of its first meeting after the general election, and
- (3) No longer an election to constitute a Municipality shall be completed, as the case may be;
- (a) before the expiry of the period specified in sub- section (2), or
- (b) before the expiry of a period of six months from the date of its dissolution:

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

- (4) The Municipality constituted upon its dissolution before the expiry of the period specified in sub-section (2) shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section (2) had it not been so dissolved.
- (5) In a municipal area newly constituted, the local authority having jurisdiction over such area immediately before such area was constituted a municipal area, shall continue to have jurisdiction and to perform its functions till such time, not exceeding six months from the date of the notification under section 6, as may be necessary for holding elections.
- (6) If, for any reason, it is not possible to hold the general election of a Municipality before the expiry of the period of five years specified in sub-section(2), the Municipality shall stand dissolved on the expiry of the said period, and all the powers and functions vested in the municipal authorities under this Act or under any other law for the time being in force shall be exercised or performed, as the case may be, by such person or persons to be designated as Administrator or Board of Administrators as the State Government may, by notification, appoint.

Constitution of Municipality.

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

The Table			
Number of Councillors			
Population Range	Minimum	Incremental Number	Maximum
<u>Municipal Councils</u>			
Class 'A' Municipal Council	15	One additional Councilor for every 5,000 above 75,000	25
Class 'B' Municipal Council	10	One additional Councilor for every 3,000 above 50,000	20
Class 'C' Municipal Council	8	One additional Councilor for every 2,500 above 30,000	16
<u>Nagar Panchayat</u>			
Nagar Panchayat	6		10

Election of Councillors.

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

Oath of allegiance to be taken by Councillors.

15. (1) 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 District Magistrate or the magistrate in-charge of the sub-division in which the municipal area is situated or an officer of the State Government authorized in this behalf by the District magistrate.
- (2) The oath shall be in the following form :-

“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”.

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

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

16. Subject to the provisions of sub-section (3) or sub-section (4), as the case may be, of section 12, a Councillor shall hold office for a period of five years from the date of the first meeting of the Municipality under section 35 or, in the case of a Councillor chosen to fill a casual vacancy, for the remainder of the term of office of his predecessor, unless –
- Term of office of Councillors of Municipality.
- (a) the Municipality is dissolved earlier, or
 - (b) he resigns his office by notice, in writing, under his hand addressed to Chief Councillor, and, thereupon, his office shall become vacant from the date of the notice, or
 - (c) his election is void, or is declared to be void, under the provisions of any law relating to municipal elections in the State, or
 - (d) the entire area of the ward from which he has been elected is withdrawn from the operation of this Act under clause(a) of sub-section (1) of section 8.
17. (1) Every Councillor shall be deemed to have vacated his office forthwith if he is recalled by means of secret ballot by a majority of the total number of voters of the concerned ward of the municipal area casting the vote in accordance with such procedure as may be prescribed :
- Recall of Councillors.
- Provided that no process of recalled shall be initiated unless a proposal in this behalf is signed by not less than three-fourth of the total number of Councillors and presented to the Collector or Chief Municipal Executive Officer/ the Municipal Executive Officer:
- Provided further that no such process of recall shall be initiated-
- (i) within a period of two years from the date on which a Councillor is elected and enters upon his office, or
 - (ii) if half of the term of office of a Councillor elected in a bye-election has not expired:
- Provided also that the process of recall of a Councillor shall be initiated once only during the term of his office.
- (2) when a proposal for recall of a Councillor is presented to the Collector under the first provision to sub-section (1), the Collector/Chief Municipal Executive Officer/the Municipal Executive Officer shall, after satisfying himself and verifying that not less than three-fourth of the Councillors have signed the proposal, send the proposal to the State Government shall make a reference to the State Election Commission.
 - (3) On receipt of the reference under sub-section (2), the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed.
18. No employee of any Municipality shall be eligible to contest an election to become a Councillor of any Municipality.
- Disqualification for being a Councillor if employed in a Municipality.

Remuneration and allowances of Councillors.

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

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

Chapter –IV

Municipal Authorities

Municipal authorities.

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

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

- (i) The Municipal Council,
- (ii) The Empowered Standing Committee,
- (iii) The Municipal Chairperson, and
- (iv) The Municipal Executive Officer;

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

- (i) The Nagar Panchayat,
- (ii) The Empowered Standing Committee,
- (iii) The Municipal President, and
- (iv) The Municipal Executive Officer.

(2) The presiding officer of the Municipality shall be, in the case of-

- (a) The Municipal Council, the Municipal Chairperson, and,
- (b) The Nagar Panchayat, the Municipal President.

Constitution of Empowered Standing Committee of Municipality.

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

(2) The Empowered Standing Committee shall consist of-

- (a) in the case of a Class 'A' or Class 'B' Municipal Council, the Municipal Chairperson, the Municipal Vice-Chairperson, and five other Councillors;
- (b) in the case of a Class 'C' Municipal Council, the Municipal Vice-Chairperson, and three other Councillors; and
- (c) in the case of a Nagar panchayat, the Municipal President, the Municipal Vice-president, and three other Councillors.

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

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

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

- (6) The Chief Councillor shall be the presiding officer of the Empowered Standing Committee.
- (7) The manner of transaction of business of the Empowered Standing Committee shall be such as may be prescribed.
- (8) The Empowered Standing Committee shall be collectively responsible to the Municipal Council or the Nagar Panchayat, as the case may be.
22. Subject to the Provisions of this Act and the rules and the regulations made there under, the executive power of a Municipality shall be exercised by Empowered Standing Committee. Executive power of Municipality to be exercised by Empowered Standing Committee.
23. (1) The Councillors shall, in the first meeting under section 35, elect in accordance with such procedure as may be prescribed one of the Councillors to be the Chief Councillor, who shall assume office forthwith after taking the oath of secrecy under section 24. Election of Chief Councillor.
- (2) If the Councillors fail to elect a Chief Councillor under sub-section (1), the State Government shall appoint by name one of the Councillors to be the Chief Councillor.
- (3) In the case of any casual vacancy in the office of the Chief Councillor caused by death, resignation, removal or otherwise, and to fill up the vacancy, the councillors may elect one of the councillors to be chief councillor as may be prescribed.
24. (1) The Councillor and the members of the Empowered Standing Committee of a Municipality shall assume office after taking the oath of secrecy in the following form :- Oath of secrecy to be taken by Chief Councillor and members of Empowered Standing Committee.
- “I, A. B. do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any persons or persons any matter which shall be brought under my consideration or shall become known to me as the presiding officer or as member of the Empowered Standing Committee except as may be required for the due discharge of my duties”.
- (2) The oath of secrecy shall be administered by:-
- In the case of a Municipal Council or a Nagar Panchayat, the District Magistrate or the Magistrate in-charge of the Sub- division in which the municipal area is situated or an officer of the State Government authorized in this behalf by the District Magistrate.
25. (1) The Chief Councillor shall cease to hold office as such if he ceases to be a Councillor. Chief Councillor.
- (2) The Chief Councillor may, at anytime, by giving a notice, in writing to the Municipality, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.
- (3) The Chief Councillor may be removed from office by a resolution carried out by a majority of the total number of councillors holding office for the time being at a special meeting to be called for this purpose in the manner as prescribed, upon a requisition made in writing by not less than one- third of the total number of Councillors, and the procedure for the conduct of business in the special meeting shall be such as may be prescribed.

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

Deputy Chief Councillor.

26. (1) The Deputy Chief Councillor shall, in the absence of the Chief Councillor, preside over the meetings of the Municipality.

(2) When-

- (a) The office of the Chief Councillor falls vacant by reason of death, resignation, removal or otherwise, or
- (b) The Chief Councillor is, by reason of reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions, or discharge the duties, of his office,

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

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

Term of office of Chief Councillor and members of Empowered Standing Committee.

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

Delegation of powers and functions.

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

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

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

- (a) the Chief Councillor may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Deputy Chief Councillor or the Chief Municipal Executive Officer/ Municipal Executive Officer.
- (b) the Chief Municipal Executive Officer/ Municipal Executive Officer, may, by order, 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 354 or section 365, to any officer or other employee of the Municipality; and

- (c) any officer of the Municipality, other than the Chief Municipal Executive Officer/ Municipal Executive Officer, may, by order, delegate, subject to such conditions as may be specified 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 Councillor, the Municipal Officer, or the other officer referred to in clause (c) of sub-section (3), shall not delegate-
 - (a) any of its or his powers or functions delegated to it or him under this section, or
 - (b) such of its or his powers or functions as may be specified by regulations.
- 29. The office of the Chief Councillor in the Municipality shall be reserved for Scheduled Tribes, and women to such extent, and in such manner, as may be prescribed. Reservation of Office of Chief Councillor.
- 30. (1) Every Municipal Council, at its first meeting after the election of Councillors thereto or as soon as may be thereafter, group the wards of the Council in such manner that each group consists of not less than three contiguous wards, and constitute a wards committee for each such group. Wards Committee.
 - (2) Each wards committee shall consist of the councillors elected from the wards constituting the group.
 - (3) A councillor of the wards committee representing a constituent ward shall hold office till he ceases to be the councillor representing such ward.
 - (4) The councillors of each wards committee shall elect from amongst themselves one councillor, who shall not be a member of the empowered standing committee, to be its Chairperson.
 - (5) The Chairperson of a wards committee may, at any time, resign his office by giving notice in writing to the Chairman and the resignation shall take effect from the date of acceptance by the Chairman.
 - (6) A wards committee shall, subject to the general supervision and control of the Empowered Standing Committee, discharge, within the local limits of the group of wards, the functions of the Municipality relating to the provision of supply-pipes and drainage and sewerage connections to premises, removal of accumulated water on the streets or public places due to rain or otherwise, collection and removal of solid wastes, disinfection, provision of health immunization services and slum services, provision of lighting, repair of category IV and category V roads, maintenance of parks, drains and gullies, issue of license under sub-section (1) of section 369, and such other functions as the Municipality may, from time to time, determine by regulations.
 - (7) The Empowered Standing Committee shall assign to a wards committee such number of officers and other employees as it deems fit and shall designate one of such officers as the wards officer of such wards committee.
 - (8) The manner of transaction of business of the wards committee shall be such as may be determined by regulations.
 - (9) Subject to such conditions, if any, as may be specified by regulations, a wards committee may conduct public hearing on any major issue of public interest.

Ward Committee.

31. (1) Each ward of a Municipality shall have a ward committee.
- (2) The Councillor elected from a ward shall be the chairperson of the ward committee for that ward.
- (3) The ward committee may include not more than ten persons representing the civil society from the ward, nominated by the Municipality.

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

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

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

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

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

Subject
Committee.

32. (1) A Class 'A' Municipal council may, from time to time, constitute Subject Committees consisting of Councillors to deal with the following matters, namely:-
- (a) water- supply, drainage and sewerage, and solid waste management;
- (b) urban environment management and land use control;
- and
- (c) slum services.
- (2) The members of the Empowered Standing Committee and Chairperson, Municipal council, as Nagar Panchayat as the case may be, shall not be members of any subject Committee.
- (3) Each Subject Committee shall consist of –
- (a) five members in the case of a subject Committee of a Class 'A' Municipal Council.
- (b) 3 members in case of Nagar Panchayat.
- (4) The manner of the constitution and the transaction of business of a subject Committee shall be such as may be specified by regulations,
- (5) The term of a Subject Committee shall be not less than two years,
- (6) The Chairperson of a Subject Committee shall be elected by its members from amongst themselves in the manner specified by regulations:

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

- (7) Each Subject Committee shall exercise such powers, and perform such functions, as may be specified by regulations.
- (8) The recommendations of a Subject Committee shall be submitted to the Empowered Standing Committee for its consideration.
33. (1) The Empowered Standing Committee may, from time to time, appoint an *Ad hoc* Committee to perform such functions, or conduct such enquiries, or undertake such studies including reports thereon, as may be specified by a resolution in this behalf. Ad hoc Committee.
- (2) Any person, who is not a Councillor but possesses special qualifications useful for the purpose of an *Ad hoc* Committee, may be associated therewith as its member.
- (3) The manner of transaction of business in an *Ad hoc* Committee shall be such as may be laid down by the Empowered Standing Committee.
34. (1) The State government may, if it considers it necessary so to do, constitute a Joint committee for more than one Municipality, or for one or more Municipalities with other local authority or local authorities, for any purpose in which they are jointly interested or for delegating to it any power or function which calls for joint action. Joint Committee.
- (2) The Joint Committee shall consist of the following members:-
- (i) two elected members of each constituent Municipality or local authority,
- (ii) one nominee of each of the concerned departments of the state Government or of the concerned statutory authorities under the State government,
- (iii) such expert or experts as the State government may nominate, and
- (iv) the Director of Local Bodies or his representative who shall act as the convener of the Joint Committee.
- (3) The procedure of transaction of business by a Joint committee shall be such as may be prescribed.
35. (1) The first meeting of a Municipality after the general election of Councillors to the Municipality shall be convened within thirty days from the date of publication of the names of elected Councillors in the Official gazette under the provisions of any law relating to municipal elections in the State. First meeting of Municipality.
- (2) seven days' notice shall be given for the meeting.
- (3) In the case of a Municipal Council or a Nagar Panchayat, the meeting shall be convened by the District Magistrate or any other Executive Magistrate authorized by the District Magistrate in this behalf.

Chapter-V

Organizational Structure of Municipality

A. Statutory Officers of Municipality

36. (1) Subject to the provisions of section-41, and having regard to the need for ensuring maximum possible economy in Municipal administration, the Municipality may, besides appointing a Municipal Executive Officer in the case of a Municipal Council or a Nagar Officers of Municipality.

Panchayat, appoint officers to deal with all or any of the functions relating to finance, engineering, health, secretariat, law and internal audit, as the Empowered Standing Committee may, from time to time, determine.

Note :

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

- (i) *The Deputy Commissioner, Yupia shall function as Chief Municipal Executive officer of Municipal in Capital Region and Additional Deputy Commissioners of respective towns where municipality is constituted shall be the Municipal Executive officer of that Municipality.*
 - (ii) The relevant technical manpower such as Architects, Civil engineers and Town planners and non-technical manpower from the Department of Urban development & Housing and Town Planning shall be posted to the Municipalities on deputation basis, till the Municipalities generates enough resources to create and sustain its own establishment and manpower.
- (2) Appointments of officers mentioned in sub-section (1) may be made either on a regular basis or on a contract basis for such term as the Empowered Standing Committee may consider necessary.
 - (3) At the requests of the Empowered Standing Committees of more than one Municipality, the state Government may, by order, provide for sharing of services of officers referred to in sub-section(1) by such Municipalities, and on such terms and conditions, as may be specified in the order.
 - (4) Subject to the provisions of sub-section (2), appointments of officers referred to in sub-section (1) for different posts as may be specified by regulations shall be made-
 - (a) by the State Government in consultation Chief Municipal Executive Officer with the Empowered Standing Committee and Chief Municipal Executive Officer/ Municipal Executive Officer by notification from amongst the persons who are or have been in the service of that Government, or
 - (b) by the Empowered Standing Committee with the prior approval of the State Government and in consultation with the State Public Service Commission:

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

Provided further that the State Government may , in consultation with the Empowered Standing Committee, extend the period of appointment of posts as aforesaid from time to time, so ,however the total period of extension shall not exceed five years.
 - (5) Until cadres of common municipal services for the State are constituted under sub-section (1) of section 43, the Empowered Standing Committee may determine which of the posts of officers referred to in sub-section (1) of this section are necessary for a Municipal Council or a Nagar Panchayat, and, with the prior approval of the State Government, create posts or, and appoint, such officers and fix the salaries and allowances to be paid to such officers.
 - (6) The method of, and the qualifications required for, recruitment, and the terms and conditions of service including conduct, discipline and control, of officers appointed by the Empowered Standing Committee shall be such as may be prescribed.

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

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

- (8) Notwithstanding anything contained in sub-section (2) or sub-section (3), prior approval of the State Government shall be necessary in the case of appointment of a person not recommended by the State Public Service Commission.
- (9) No person above the age of sixty years shall be appointed to any post in a municipality.

B. Municipal Establishment and Schedule of Posts.

37. (1) The posts of officers and other employees of the Municipality, other than those referred to in sub-section (1) of section 36, shall constitute the municipal establishment. Establish-ment of Municipal and Schedule of posts.
- (2) The Municipality shall, by regulation, classify the posts of officers and other employees constituting the establishment of the Municipality into four categories, namely, category 'A' post, category 'B' post, category 'C' post, and category 'D' post, on the basis of the scales of pay of such posts.
- (3) The Municipality shall prepare, and maintain, a Schedule of posts of officers and other employees constituting the establishment of the Municipality, to be called Establishment Schedule, and such Establishment Schedule shall include the designation, and the number of posts under each designation, and shall be in three parts of which part I shall include category 'A' posts, Part II shall include category 'B' Posts, and Part III shall include category 'C' posts and category 'D' posts.
- (4) Every year the Chief Municipal Executive Officer/ Municipal Executive Officer shall place before the Empowered Standing Committee for its consideration the Establishment Schedule along with the proposals for such changes therein as he may consider necessary:
- Provided that no upward revision of the sizes of the establishment of the Municipality shall be made without the prior sanction of the State Government.
- (5) The Empowered Standing Committee shall, after consideration of the Establishment Schedule along with the proposals, if any, for changes therein, place the same along with its recommendations, if any, before the Municipality for approval prior to the presentation of the budget estimates to the Municipality by the Chief Councillor.
- (6) The Chief Municipal Executive Officer/ Municipal Executive Officer shall revise the Establishment Schedule as approved by the Municipality.
- (7) The Empowered Standing Committee may sanction any category 'C' post or category 'D' post for a period not exceeding six months:
- Provided that no such post shall be sanctioned unless there is a provision in this behalf in the budget estimates of the Municipality.
- (8) Subject to such norms regulating to the size of a municipal establishment as may be fixed by the State Government from time to time, no post of an officer or other employees of the Municipality shall be created by the Municipality without the prior sanction of the State Government, if the number of posts to be so created in a year for a Municipality is more than one per cent of the total number of sanctioned posts of officers and other employees in existence in the year immediately preceding.

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

- (9) The recruitment to the posts of officers and other employees of the Municipality not required to be made through the Municipal Service Commission shall be made through the local employment exchange or through such other method as the State Government may determine from time to time.
- (10) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, the Empowered Standing Committee may decide to engage on contract basis, officers and other employees of the Municipality against such posts of officers and other employees referred to in sub-section (1) of section 37.

Appointing
Authorities.

38. Subject to the other provisions of this Act, the appointing authority in respect of the posts of officers and other employees constituting the establishment of the Municipality shall be,-
- (a) the Chief Municipal Executive Officer in Municipality of Capital Region and Municipal Executive Officers in other Municipalities.

Provided that-

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

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

Salaries and
Allowances
of officers
and other
employees.

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

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

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

Leave and other
Conditions of
service.

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

Appointment of
Officers of State
Government for
Municipalities.

41. Notwithstanding anything contained elsewhere in this Act, the State Government may appoint officers from Department of Urban development and Housing, Department of Health Services and Directorate of Accounts, Govt. of Arunachal Pradesh, possessing

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

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

C. Municipal Establishment Audit Commission

42. For the purpose of review of the existing establishment of the Municipalities in the State, and for fixing norms and standards of manpower for different tasks performed at various levels of Municipalities, and for performance of similar other functions, the State Government may constitute a Municipal Establishment Audit Commission in such manner and consisting of a chairperson and such other members, and on such terms and conditions, as may be prescribed. Municipal Establishment Audit Commission.

D. Municipal Services Cadres

43. (1) The State Government may constitute cadres of common municipal services for the State in respect of such officers of the Municipality referred to in sub-section (1) of section-36 as may be determined by that Government from time to time. Cadres of Common Municipal Services, Appointments, etc.
- (2) The Director of Local Bodies shall be the appointing authority of all officers borne in the cadres of common municipal services and shall be the authority to transfer such officers from one Municipality to another.

E. Municipal Service Commission

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

F. State Municipal Vigilance Authority

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

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

Chapter-VI

Functional Domain of Municipalities

Core
Municipal
Functions.

47. Every Municipality shall-
- (1) (a) 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 systems including construction and maintenance of roads, footpaths, pedestrian pathways, transportation terminals, both for passengers and goods, bridges, over-bridges, subways, ferries, and inland water transport system,
 - (vi) transport system accessories including traffic engineering schemes, street lighting, parking areas, and bus stops,
 - (vii) community health and protection of environment including planting and caring of trees on road sides and elsewhere,
 - (viii) markets and slaughterhouses,
 - (ix) promotion of educational, sports and cultural activities, and
 - (x) aesthetic environment, and
 - (b) perform such other statutory or regulatory functions as may be provided by or under this Act or under any other law for the time being in force.
 - (2) The Municipality may, having regard to its managerial, technical, financial and organizational capacity, and the actual conditions obtaining in the municipal area, decide not to take up, or postpone, the performance of , any of the functions as aforesaid.
 - (3) The State Government may direct a Municipality to perform any of the functions as aforesaid, if such function is not taken up, or is postponed, by the Municipality.
 - (4) The Municipality may plan, build, operate, maintain or manage the infrastructure required for the discharge of any of the functions, as aforesaid, either by itself or by any agency under any concession agreement referred to in section 167.

Functions
Assigned by
Government.

48. The Municipality may, subject to the underwriting of the costs by, and approval of, the Central Government or the State Government, as the case may be, undertake any function belonging to the functional domain, and such functions may include primary education, curative health, transport, and supply of energy, arrangements for fire prevention and fire safety, and urban poverty alleviation.

49. The Municipality may, having regard to the satisfactory performance of its 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:- Other Functions.
- (1) in the sphere of town planning, urban development and development of commercial infrastructure,-
 - (a) planned development of new areas for human settlement,
 - (b) measures for beautification of the municipal area by setting up parks and fountains, providing recreational areas, improving 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 municipal area with the district or regional development plan, if any;
 - (2) in the sphere of protection of environment,-
 - (a) reclamation of waste lands, promotion of social forestry and maintenance of open spaces.
 - (b) establishment and maintenance of nurseries for plants, vegetables and trees and promotion of greenery through mass participation,
 - (c) organization of flower-shows and promotion of flower-growing as a civic culture, and
 - (d) promotion of measures for abatement of all forms of pollution;
 - (3) in the sphere of public health and sanitation,-
 - (a) mass inoculation campaigns for eradication of infectious diseases,
 - (b) construction and maintenance of municipal markets and slaughterhouses and regulation of all markets and slaughterhouses,
 - (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 upkeep of all private tanks, wells and other sources of water-supply on such terms and conditions as the Municipality may deem proper,
 - (e) construction and maintenance of cattle pounds,
 - (f) provision for unfiltered water-supply for non-domestic uses,
 - (g) advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences, and
 - (h) measures for eradication of addiction of all kinds including addiction to drugs and liquor;
 - (4) in the sphere of education and culture,-
 - (a) promotion of civic education, adult education, social education and non-formal education,

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

Conduct of Business

A. transaction of Business of Municipality

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| Meetings. | 50. (1) The Municipality shall meet not less than once in every month for the transaction of its business. |
| | (2) The Chief Councillor may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one- fifth of the Councillor, convene a meeting of the Municipality. |
| Notice of Meeting and List of business. | 51. A list of business to be transacted at every meeting of the Municipality, 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 Chief Councillor:

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 dispatch, 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 Municipality, shall be brought before the Municipality.

Explanation.- For the purposes of this section, “registered address” shall be the address for the time being entered in the register of addresses of Councillors to be maintained by the Municipal Secretary.

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| <p>52. (1) The quorum necessary for the transaction of business at a meeting of the Municipality shall be one-fifth of the total number of Councillors.</p> <p>(2) If at any during a meeting of the Municipality 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.</p> <p>(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting shall be brought before, and may be transacted at, the adjourned meeting.</p> <p>(4) All matters required to be decided at a meeting of the Municipality shall, save as otherwise provided in this Act, be determined by a majority of votes of the Councillors present and voting.</p> <p>(5) The voting shall be by show of hands, provided that the Municipality may, subject to such regulations as may be made by it, resolve that any question, or class of questions, shall be decided by secret ballot.</p> <p>(6) At any meeting of the Municipality, where a poll is taken on a resolution before it, the votes of all the Councillors present who 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.</p> <p>(7) At any meeting of the Municipality, unless a poll is demanded by at least one-tenth of the councillors present, a declaration by the presiding officer of such meeting that a resolution has been carried or lost in such meeting, and an entry to that effect in the minutes of the proceeding of such meeting shall, for the purposes of this Act, be conclusive evidence of the fact that such resolution has been carried or lost, as the case may be.</p> | <p>Quorum for Transaction of Business at a Meeting of Municipality and methods of deciding questions.</p> |
| <p>53. (1) The Chief Councillor shall preside at every meeting of the Municipality:</p> <p style="padding-left: 40px;">Provided that when a meeting is held to consider a motion for the removal of the Chief Councillor, the Chief Councillor shall not preside at such meeting.</p> <p>(2) The Chief Councillor, or the person presiding over a meeting of the Municipality, shall also have, and may exercise, a casting vote in all cases of equality of votes.</p> | <p>Presiding Officer of a meeting of Municipality.</p> |
| <p>54. (1) The presiding officer of a meeting of the Municipality shall preserve order there at and shall have all the powers necessary for the purpose of preserving such order.</p> | <p>Maintenance of order at a</p> |

meeting of Municipality and withdrawal and suspension of Councillors.

- (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.
- (3) If any councillor is ordered to withdraw for a second time, the presiding officer may warn such Councillor of the action that may be taken under this sub-section and may thereafter, if necessary, suspend such Councillor from attending the meetings of the Municipality for any period not exceeding sixty days, and the Councillor so suspended shall absent himself accordingly:

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

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

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

Councillor having pecuniary Interest in any contract etc. with Municipality.

- 55. (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 Municipality and is present at a such contract or of a committee thereof at which consideration, he shall, as soon as practicable after the 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 area or consumer of water or having an interest any matter relating to any civic service to the public.

- (2) For the purposes of this section, a Councillor shall be deemed to have an indirect pecuniary 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:

- (i) the provisions of this sub-section shall not apply to a councillor who is a member of , or is in employment under, any public institution or organization under any law for the time being in force, and
- (ii) a Councillor shall not, by reason of his membership of a company or other body, be treated as having any pecuniary interest in such company or other body if he has no beneficial interest in any share or stock of such company or other body.
- (3) In the case of a Councillor who is married and lives with his spouse, the interest of one shall be deemed, for the purposes of this section, to be the interest of the other.

Explanation. –For the purposes of this section and section -56, “ company” shall mean any body corporate, and shall include a firm or other association of individuals.

56. (1) A Councillor may give to the Municipal secretary a notice to the effect that he or his spouse is a member of a company or is a partner in a firm or is in the employment under a person, and if any contract is made or is proposed to be made with such company or firm or person, such notice shall, unless and until it is withdrawn, be deemed to be a sufficient disclosure of his interest in such contract or proposed contract which may be the subject of consideration at a meeting of the Municipality after the date of the notice.
- Disclosure of Pecuniary Interest.
- (2) The Municipal Secretary shall record in a book, to be kept for the purpose, particulars of any disclosure made under sub-section (1) of section-55 and of any notice given under sub- section (1) of this section, and the book shall be open at all reasonable hours for the inspection of any Councillor.
57. (1) Every meeting of the Municipality 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 Municipality shall be held in private.
- Meeting to be ordinarily open to public.
- (2) The Municipality may make regulations providing for the admission of strangers to its meeting and for the removal by force, if necessary, of any stranger for interrupting or disturbing the proceedings of the meeting.
58. The Chief Municipal Executive Officer/ Municipal Executive Officer, or any other officer of the Municipality authorized by him in writing in this behalf, may attend any meeting of the Municipality or of any of its committees.
- Right of the Chief Municipal Executive Officer and Municipal Executive Officer and other officers to attend meeting of Municipality and committees etc.
59. (1) A Councillor may, subject to provisions of sub-section (2), ask the Empowered Standing Committee questions on any matter relating to the administration of the Municipality or municipal governance, and all such questions shall be addressed to the Empowered standing Committee and shall be answered either by the Chief Councillor or by any other member of the Empowered Standing Committee.
- Right of Councillor to ask questions.
- (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 Municipality,
 - (vi) make or imply a charge of a personal character,

- (vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,
- (viii) repeat in substance questions already answered or to which an answer has been refused,
- (ix) ask for information on trivial matters,
- (x) ask for information on matters of past history,
- (xi) ask for information set forth in accessible documents or in ordinary works of reference,
- (xii) raise matters under the control of bodies or persons not primarily responsible to the Municipality, or
- (xiii) ask for any information on any matter which is under adjudication by a court of law.

- (3) The presiding officer shall disallow any question, which is, in his opinion, in contravention of the provisions of sub-section (2).
- (4) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (2), the matter shall be decided by the presiding officer, whose decision shall be final.
- (5) The Chief Councillor or any member of the Empowered Standing Committee shall not be bound to answer a question seeking information which has been communicated to him or to the Empowered Standing Committee in confidence or if, in his opinion, it cannot be answered without prejudice to the public interest.
- (6) Unless otherwise directed by the presiding officer of the meeting every question shall be answered at a meeting of the Municipality.

Discussion on Urgent public Matters.

- 60. (1) Any Councillor may give notice of raising discussion on a matter of urgent public importance to the Municipal secretary, stating clearly the matter to be raised.
- (2) Such notice, supported by the signatures of at least two other Councillors, shall reach the Municipal Secretary at least forty-eight hours before the date on which such discussion is sought, and the Municipal secretary shall immediately place it before the Chief Councillor and circulate the notice among the Councillors in such manner as he may think fit.
- (3) the Chief Councillor may admit for discussion such notice as may appear to him to be of sufficient public importance and allow such time for discussion as he may consider appropriate.
- (4) There shall be no formal resolution or voting on such discussion .

Asking for Statement from Empowered Standing Committee.

- 61. (1) Any Councillor may ask for a statement from the Empowered Standing Committee on an urgent matter relating to the administration of the Municipality by giving notice to the Municipal Secretary at least one hour before the commencement of the meeting of the Municipality on any day.

- (2) The Chief Councillor or a member of the Empowered Standing committee may either make a brief statement on the same day or fix a date for making such statement.
- (3) Not more than two such matters shall be raised at the same meeting and, in the event of more than two matters being raised, priority shall be given to the matters which are, in the opinion of the Chief Councillor, more urgent and important.
- (4) There shall be no debate on such statement at the time it is made.

B. Minutes and Proceedings.

- 62. Minutes of each meeting of the Municipality and of a committee of the Municipality recording therein the names of the Councillors present at such meeting and the proceedings of each such meeting shall be laid before the next meeting of the Municipality or such committee, as the case may be, and signed at such meeting by the presiding officer thereof. Keeping of Minutes and Proceedings.
- 63. Minutes of the proceedings of each meeting of the Municipality shall be circulated to all the Councillors and shall, at all reasonable times, be available at the office of the Municipality for inspection by any councillor, free of cost, and by any other person on payment of such fee as the Municipality may determine. Circulation and Inspection of Minutes.
- 64. (1) The Municipal Secretary shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Municipality or a committee of the Municipality as early as possible. Forwarding of Minutes to State Government.
 (2) The State Government may, in any case, call for a copy or copies of all or any of the papers laid before the Municipality or any committee of the Municipality and, thereupon, the municipal Secretary shall forward to the State Government a copy or copies of such paper or papers.
- 65. The State Government may, by rules, provide for such matters, not provided in this Act, relating to the conduct of business of the Municipality or of its committees, as it may deem necessary. Rules relating to conduct of business of Municipality.

C. Validation

- 66. (1) No act or proceeding of the Municipality or of any committee of the Municipality shall be called in question merely on the ground of- Validation of acts and proceedings.
 - (a) the existence of any vacancy in, or any defect, initial or subsequent, in the constitution of, the Municipality or any committee of the Municipality, or
 - (b) any councillor having voted or taken part in any proceeding in contravention of the provisions of section 55, or
 - (c) any defect or irregularity not affecting the merit of any case to which such defect or irregularity relates,
- (2) Every meeting of the Municipality or any committee of the Municipality, the minutes of the proceeding of which have been duly signed under section -62, shall be deemed to have been duly convened and be free from any defect or irregularity.

Chapter VIII

Direction and control

- 67. The State Government may, at any time, require any Municipal Authority- Power of State Government to call for records etc.
 - (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.

68. The State Government may depute any of its officers to inspect or examine any department, office, service, work or property of the Municipality 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 67:

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

- (a) a Deputy Secretary to the State Government in the case of a Class 'A' Municipal Council or Class 'B' Municipal Council, and
- (b) a Sub-divisional Officer in the case of a Class 'C' Municipal council or Nagar Panchayat, as the case may be.

Power of State Government to require Municipal Authorities to take action.

69. If, after considering the records required under section 67, or the report under section 68, 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 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 show 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 69.

70. (1) If no action has been taken in accordance with the order under section 69 within the period specified therein or if no cause has been shown under the provision 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), 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 69.

71. (1) If no action has been taken in accordance with the order under section 69 within the period specified therein or if no cause has been shown under the provision 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. Power of State Government to dissolve Municipality.
- (2) For the purposes of sub-section (1), it shall be lawful for the State Government to appoint, for such period as the State Government may 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 69. (1) If, in the opinion of the State Government, the Municipality has shown its incompetence, or has persistently made default, in the performance of the duties, or in the exercise of the functions, imposed on it by or under this Act or any other law for the time being in force, or has 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), by an order published in the Official Gazette, and stating the reasons therefore, declare the Municipality to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and with effect from such date, as may be specified in the order.
- (2) (a) before making any order under sub-section (1), a notice shall be given by the State Government to the Municipality calling upon it to submit representation, if any, against the proposed order within such period as may be specified in the notice.
- (b) on receipt of such representation, if any, the State Government shall constitute a committee consisting of five persons, nominated by the State Government, of whom-
- (i) one shall be a member of the State Higher Judicial Service who shall be the Chairperson of the committee,
 - (ii) one shall be the Chief Councillor of any other Municipality of the same class,
 - (iii) one shall be a Chartered Accountant or a person having experience in financial matters,
 - (iv) one shall be an Engineer or Architect, and
 - (v) one shall be an officer of the State Government, not below the rank of a Sub-divisional Officer,
- and shall forward the representation to the committee for its consideration and report within such time as the State Government may specify.
- (c) the State Government shall, on receipt of the report from the committee, consider the representation :
- Provided that notwithstanding anything contained in sub-section (1), no order of dissolution of the Municipality shall be made without giving the Municipality an opportunity of being heard.
72. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of the order of dissolution under sub-section (1) of section-71. Consequences of dissolution.

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

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

Provided further that the State Government shall 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.

- (2) For the avoidance of doubts, it is hereby declared that an order of dissolution under sub-section (1) of section -71 shall not effect or imply in any way the dissolution of the Municipality as a body corporate.

Chapter-IX

Municipal finance and Municipal Fund

Implementation
of recommenda-
tions
of State
Finance
Commission.

73. After taking into consideration the recommendations of the State Finance Commission constituted under article 243-Y, read with article 243-I, of the Constitution of India, the State Government shall determine-
- (a) the devolution of net proceeds of the taxes, 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 Municipalities.

Financial
Assistance
from State
Government.

74. (1) The State Government may, from time to time, give grants or financial assistance to the Municipality with or without direction as to the manner in which such grants or financial assistance shall be applied.
- (2) The State Government may, for giving such grants or assistance, lay down a scheme which may include the conditions of release of Municipalities into different classes for that purpose.
- (3) The State Government may, give grants to the Municipality for implementation, in full or in part, of any scheme included in the annual development plan of the Municipality.

75. (1) There shall be a fund to be called the Municipal Fund which shall be held by the Municipality in trust for the purposes of this Act, and all moneys realized or realizable under this Act and all moneys otherwise received by the Municipality shall be credited thereto. Municipal Fund.
- (2) Subject to such directions as the State Government may issue in this behalf, and keeping in view the classification of municipal areas under section -7, the receipts and expenditures of the Municipality shall be kept under such heads of accounts, including those for water-supply, drainage and sewerage, solid waste management, road development and maintenance, slum services, commercial projects and other account heads as may be specified and the general account head, in such manner, and in such form, as may be prescribed, so as to facilitate the imposition of user charges and preparation of any subsidy report under this Act.
- Explanation.-* For the purposes of this section, “commercial projects” shall include municipal markers, development projects, property development projects, and such other projects of a commercial nature as may be specified by the Municipality from time to time.
- (3) Every head of account specified under sub-section (1) 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-X Application of Municipal fund

76. The moneys credited to the Municipal fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder and for payment out of the Municipal Fund under any other law for the time being in force. Application of Municipal Fund.
77. No payment of any sum out of the Municipal fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available, notwithstanding any reduction or transfer thereof under the provision or transfer under the provisions of this Act : Payments not to be made out of Municipal Fund unless Covered by Budget grant.
- 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 Municipality 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 Municipality on special measures on the outbreak of dangerous diseases, natural or technological hazards or in any other emergent case,
 - (e) sums payable as compensation under this Act or the rules or the regulations made thereunder,
 - (f) sums payable-

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

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 Municipality, or
- (iv) under a compromise of any claim, suit or other legal proceeding, or
- (v) on account of the cost incurred in taking immediate action by any of the municipal authorities to avert a sudden threat or danger to the property of Municipality or of human life, and
- (g) such other cases as may be determined by regulations.

Procedure when money not covered by budget grant.

78. Whenever any sum is paid in any of the cases referred to in the provision to section-77, the Chief Municipal Executive Officer/ Municipal Executive Officer shall forthwith communicate the circumstances of such payment to the Empowered Standing Committee, and, thereupon, the Empowered Standing Committee may take, or recommend to the Municipality to take, such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payment.

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

79. (1) On a requisition, in writing, by the State Government, the Empowered Standing committee may, at any time, required the Chief Municipal Executive Officer/ Municipal Executive Officer 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 be made without unduly interfering with the regular work of the Municipality.

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

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

Power to incur expenditure beyond the limits of Municipality.

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

Exclusive use of Fund for particular purpose.

81. (1) Notwithstanding anything contained elsewhere in this chapter, the State Government may, by order, require the Municipality to earmark a particular portion of the Municipal Fund or a particular grant or 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 Municipality other than taxes, duties and fines assigned to the Municipality 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 Municipality to act accordingly.

- (2) The State Government may, for carrying out the purposes of sub-section (1), make rules for different classes of Municipalities.
82. Subject to the other provisions of this Act, payment from the Municipal Fund shall be made in such manner as may be determined by regulations, and the heads of accounts referred to in section-75 shall be operated by such officers of the Municipality as may be authorized by the Municipality by regulations. Operation of accounts.
83. (1) Surplus moneys standing at the credit of any of the heads of account of the Municipal Fund which are not required, either immediately or at any early date, to be applied for the purposes of this Act by the Municipality, may, in accordance with such regulations as may be made by the Municipality in this behalf, be transferred by the Municipality, either in whole or in part, to any other head of account of the Municipal Fund: Investment of surplus moneys.
- Provided that no such money shall be transferred permanently from any of the heads of accounts to any other head of account without the previous approval of the Municipality:
- Provided further that such surplus moneys standing at the credit of the Commercial Projects Account of the Municipal Fund shall not be transferred to the General Account of the Municipal Fund.
- (2) Surplus moneys which are not transferred under sub-section (1), may be invested in public securities or small savings schemes, approved by the State Government, or deposited at interest with such scheduled bank as may be determined by the Empowered Standing Committee.
- (3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

Chapter-XI

Budget Estimates

84. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall prepare in each year a budget estimate along with an establishment schedule of the Municipality for the ensuing year, and such budget estimate shall be an estimate of the income and expenditure of the Municipality. Preparation of budget Estimate of Municipality.
- (2) Subject to the provisions of section 10 and sub-section (2) of section 75, the budget estimate shall separately state the income and the expenditure of the Municipality to be received and incurred in terms of the various heads of accounts.
- (3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Municipality in the year next following.
- (4) The budget estimate shall state the amount of money to be raised as loan during the year next following.
- (5) The Chief Councillor shall present the budget estimate to the Municipality on the 15th day of February in each year or as soon thereafter as possible.
- (6) The budget estimate shall be prepared, presented and adopted in such Form and in such manner, and shall provide for such matters, as may be prescribed.
- (7) The annual statements prepared under sub-section (2) of section 107 and sub-section *(1) of section 119 together with the reports prepared under sub-section (1) of section 85 and under sub-section (2) of section 278 shall be enclosed with the budget estimate.

Report on Services Provided at Subsidized Rate.

85. (1) The Chief Municipal Executive Officers/ Municipal Executive Officer 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 therefore, the source from which the subsidy is being met, and the sections or categories of the local population who are the beneficiaries of such subsidy, namely:-

(a) water-supply and disposal of sewage, and

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

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

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

Sanction of budget Estimate of Municipality.

86. (1) The Municipality shall consider the budget estimate and the recommendations, if any of 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 Director of Local Bodies.

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

Power to alter Budget grant.

87. A Municipality may, from time to time, during a year-

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

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

(c) transfer the amount of any budget grant or portion thereof under one head to the amount of budget grant under any other head, or

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

Provided that nothing shall be done under clause (a) or clause (b) or clause (c) or clause (d) without the recommendation of the Empowered Standing committee.

Chapter-XII

Accounts and Audit

Maintenance of Accounts.

88. The Chief Municipal Executive Officer/ Municipal Executive Officer shall prepare and maintain accounts of receipts and expenditures of the Municipality in such Form, and in such manner, as may be prescribed.

Preparation of Municipal Accounting Manual.

89. 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 Municipality.

Financial Statement.

90. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer 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 Municipality.

- (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.
91. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer 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 Municipality for the preceding year. Balance sheet.
- (2) The Form of the balance sheet, and the manner in which the balance sheet be prepared, shall be such as may be prescribed.
92. The financial statement prepared under section 90 and the balance sheet of the assets and the liabilities prepared under section 91 shall be placed by the Chief Municipal Executive Officer/ Municipal Executive Officer 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. Submission of financial Statement and balance sheet to Auditor.
93. (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. Power of Auditor.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer 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 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 any person responsible therefore the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into account by such person, and shall, in every such case, certify the amount due from such person:
- Provided that any person aggrieved by an order of payment of certified sums any appeal to the State Government whose decision on such appeal shall be final.
- (6) Any person who willfully neglects, or refuses to comply with, the requisition made by an Auditor, or the officer subordinate to him, shall, on conviction by a Court, be punishable with fine in respect of item included in the requisition. The fine may be fixed by the Government from time to time.

- Audit report.
94. (1) As soon as practicable after the completion of audit of the accounts of the Municipality, 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 Chief Municipal Executive Officer/ Municipal Executive Officer.
- (2) The Auditor shall include in such report a statement showing.
- (a) every payment which appears to the Auditor to be contrary to law,
 - (b) the account of any deficiency or loss, which appears to have been caused by gross negligence or misconduct of any person,
 - (c) the account of any sum received which ought to have been, but has not been, brought into account by any person, and
 - (d) any other material impropriety or irregularity in the accounts.
- Placing of Audited Accounts before Municipality.
95. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall place the audited financial statement, the balance sheet and the report of the Auditor and his comments thereon before the Empowered Standing Committee which, after the examination thereof, shall place them before the Municipality with its comments, if any.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall remedy any defect that has been pointed out by the Auditor in his report.
- Submission Of audited Accounts.
96. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, after adoption of the financial statement and the balance sheet and the report of the Auditor by the municipality, forward the same to the State Government together with a report of the action taken thereon by the Municipality and shall also send copies thereof to the Auditor.
- (2) If there is any difference of opinion between the Auditor and the Municipality or if the Municipal does not remedy the defects or the irregularities mentioned in the report of the Auditor within a reasonable period, the Auditor shall refer the matter to the State Government whose decision here on shall be final and binding.
- Power of State Government to enforce order upon audit report.
97. If any order made by the State Government under this chapter is not complied with, it shall be lawful for the State Government to take such steps as it thinks fit to secure the compliance of the order and to direct that all expenses therefore shall be defrayed from the Municipal Fund.
- Special audit.
98. In addition to the audit of annual accounts, the State Government or the Municipality may, if it thinks fit, appoint an Auditor to conduct special audit pertaining to a specified item or series of items requiring thorough examination, and the procedure relation to audit shall apply *mutatis mutandis* to such special audit,
- Internal audit.
99. The State Government or Municipality may provide for internal audit of the day to day accounts of the Municipality by the auditor appointed in this behalf by the State Government in the manner as may be prescribed.
- Municipal Accounts Committee.
100. (1) The Municipality shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.
- (2) The Municipal Accounts Committee shall consist of-
- (a) such number of members, not being less than 3 and not more than 5 as the Municipality may determine, to be elected by the Councillors, not being the members of the empowered Standing Committee, from amongst themselves, and

- (b) such number of persons, not being Councillors, or officers or other employees of the Municipality and not exceeding two in numbers, having knowledge in financial matters, as may be nominated by the Municipality.
- (3) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairperson.
- (4) Subject to the other provisions of this Act, the members of the Municipal Accounts Committee shall hold office until a new Municipal Accounts Committee is constituted.
- (5) The manner of submission of resignation by the Chairperson or any other member, and the manner of filling up of a casual vacancy in the office of a member, of the Municipal accounts Committee shall be such as may be prescribed.
- (6) Subject to the provisions of this Act and the rules and the regulations made thereunder, it shall be the duty of the Municipal Accounts Committee-
 - (a) to examine the accounts of the Municipality showing the appropriation of sums granted by the Municipality for its expenditure and the annual financial accounts of the Municipality,
 - (b) to examine and scrutinize the report on the accounts of the Municipality by the Auditor appointed under section 92 and to satisfy itself that the moneys shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they were applied or charged and that the expenditure was incurred in accordance with the authority governing such expenditure,
 - (c) to submit report to the Municipality every year and from time to time on such examination and scrutiny,
 - (d) to consider the report of the Auditor appointed under section 98 in cases where the State Government or the Municipality requires him to conduct a special audit of any receipt or expenditure of the Municipality or to examine the accounts of stores and stocks of the Municipality or to check the inventory of the properties of the Municipality including its land holdings and buildings ; and
 - (e) to discharge such other functions as may be prescribed.
- (7) The Municipal Accounts Committee may call for any book or document if, in its opinion, such book or document is necessary for its work and may send for such officers of the Municipality as it may consider necessary for explaining any matter in connection with its work.
- (8) The manner of transaction of business to the Municipal Accounts Committee shall be such as may be determined by regulations :

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

Chapter-XIII

Municipal Property

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

Vesting of property.

102. Notwithstanding anything contained in any other law for the time being in force, the movable and the immovable properties of the following categories within the limits of a municipal area, not belonging to any Government department or statutory body or corporation, shall vest in the Municipality, unless the State Government directs otherwise by notification, namely:-
- (a) all vested public lands not belonging to any Government department or statutory body or corporation,
 - (b) all public tanks, streams, reservoirs, and wells,
 - (c) all public markets and slaughterhouses,
 - (d) all public sewers and drains, channels, tunnels, culverts and watercourses, alongside, or under, any street,
 - (e) all public streets and pavements, and stones and other materials thereon, and also trees on such public streets or pavements not belonging to any private individual,
 - (f) all public parks and gardens, including squares and public open spaces,
 - (g) all public ghats on rivers or streams or tanks,
 - (h) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto,
 - (i) all public places for disposal of the dead, excluding those governed by any specific law in this behalf,
 - (j) all solid wastes collected on a public street or public place, including dead animals and birds, and
 - (k) all stray animals not belonging to any private person.

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

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

Compulsory Acquisition of land.

104. (1) When any land, whether within or outside the limits of the municipal area, or any easement affecting any immovable property vested in the Municipality, is required for any public purpose under this Act, the State Government may, at the request of the Municipality, proceed to acquire such land or easement under the Land of Acquisition Act, 1894.

- (2) The Municipality shall be bound to pay to the State Government the cost including all charges in connection with the acquisition of the land under the Land Acquisition Act, 1894.
- (3) The Municipality may resort to other methods of land assembly including the use of transferable development rights.
105. Whenever the Municipality 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 Municipality 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. Special provisions for acquisition of lands adjoining streets.
106. Any property belonging to the Municipality may be disposed of in the manner hereinafter provided, namely:- Disposal of property.
- (a) the Empowered Standing Committee may sell, or grant lease or, otherwise dispose of, by public auction, any movable property, and may grant lease of, or let out on hire, any immovable property, belonging to the Municipality,
- (b) the Municipality may, with the prior approval of the State Government, for valuable consideration, sell or otherwise transfer, any immovable property belonging to the Municipality which is not required for carrying out the purposes of this Act, and
- (c) the Municipality shall not transfer any immovable property vested in it by virtue of this Act, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made thereunder:
- Provided that the State Government may authorize, in the public interest, the disposal of such immovable property by the Municipality, if the Municipality so requires, for reasons to be recorded in writing.
- Explanation.-** “valuable consideration” shall, in relation to any immovable property, mean anything of considerable value in terms of money or property given in lieu of transfer, by way of sale or otherwise, of such immovable property.
107. (1) The Empowered Standing Committee shall maintain a register and a map of all the immovable properties of which the Municipality is the owner or which vest in it, or which the Municipality holds in trust with the Government, and a register of all movable properties belonging to the Municipality. Inventory of properties of Municipality.
- (2) The Empowered Standing Committee shall, in the case of the inventory of an immovable property, prepare an annual statement indicating the changes, if any, in the said inventory and shall place the same before the Municipality along with the budget estimate.

Chapter-XIV**Borrowings**

Comprehensive debt limitation policy.

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

Power of Municipality to raise loan.

109. (1) The Municipality may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Municipality, a loan within the limits set by the comprehensive debt limitation policy framed under section 108, by the issue of debentures or other wise, 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 this Act namely:-

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

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

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

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

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

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

110. Notwithstanding anything contained in section 109, the Municipality may, where the raising of a loan is sanctioned by the State Government under that section, instead of raising such loan or any part thereof, take credit, on such terms as may be approved by the State Government, from any scheduled bank, to be kept in a cash account bearing the name of the Municipality to the extent of such loan or any part thereof and, with the sanction of the State Government, may grant mortgage of all or any of the properties vested into the Municipality by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest. Power of Municipality to open credit account with bank.
111. Notwithstanding anything contained in this chapter, the Municipality may, within the limits set by the comprehensive debt limitation policy framed under section 108, from time to time, take a short-term loan repayable within such period, not exceeding twelve months, from any other scheduled bank, for such purpose, not being a purpose referred to in sub-section (1) of section 109, on such terms, and on furnishing such security for the repayment of such loan, as may be approved by the State Government. Power of Municipality to raise short-term loan.
112. The Municipality shall establish a Sinking Fund in respect of each loan raised under section 109 for the repayment of moneys borrowed, or debentures issued, and shall in every year, pay into such Sinking Fund such sum as shall, be sufficient for the repayment, within the period fixed for the loan, of the moneys borrowed or the debentures issued. Establishment of Sinking Fund.
113. A Sinking Fund or any part thereof shall be applied to discharge of the loan or a part of the loan for which such Fund was created and, until such loan or part thereof is wholly discharged, such Fund shall not be applied to any other purpose. Application of Sinking Fund.
114. If, at any time, the sum standing at the credit of a Sinking Fund established under section 112 for the repayment of any loan is of such amount that is allowed to accumulate at the rate of interest sanctioned under the first proviso to sub-section (1) of section 109, it will be sufficient to pay off the loan within the period approved by the State Government under the said proviso, further payments towards such fund may be discontinued. Power to discontinue payment towards Sinking Fund.
115. (1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the Empowered Standing Committee in-
- (a) Government securities, or
 - (b) securities guaranteed by the Central Government or any State Government, or
 - (c) debentures issued by the Municipality, or
 - (d) such other public securities as may be approved by the State Government,
 - (e) and such other securities as may be held by the Municipality for the purpose of repayment of loans from time to time raised by it by issue of debentures or otherwise.
- (2) All dividends and other sums received in respect of any investment under sub-section (1) shall, as soon as possible after their receipt, be paid into the Sinking Fund and shall be invested in the manner laid down in that sub-section.
- (3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Empowered Standing Committee, be invested together as a common fund, and it shall not be necessary for the Empowered Standing Committee to allocate the securities held in such investments to the several Sinking funds.

- (4) Subject to the provision of sub-section (1), any investment made under this section may, from time to time, be varied or transposed.
- Power of Municipality to reserve a portion of debentures, issued for raising loan, for investment.
116. (1) For the purpose of investment of any portion of the Municipal Fund, including Sinking Fund, in the debentures issued by the Municipality for raising a loan, the Municipality may, within the limits set by the comprehensive debt limitation policy framed under section 108, reserve and set apart any portion of such debentures for issue at par thereto in the name of the Municipality provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of raising the loan.
- (2) The issue of any debentures by the Municipality under sub-section (1) shall not operate to extinguish or cancels such debentures, but issued to, and in the name of, any other person.
- (3) The purchase by, or the transfer, assignment or endorsement to, the Municipality of any debenture issued by it shall not operate to extinguish or cancel such debenture and every such debenture shall be valid and negotiable in the same manner and to the same extent as if it were held by or transferred, assigned or endorsed to, any other person.
- Manner of Repayment of loans.
117. Every loan raised by the Municipality under section 109 shall be repaid within the time approved under that section and such repayment shall be made either from a Sinking Fund established under section 112 in respect of such loan or partly from such Sinking Fund and, to the extent or which such Sinking Fund falls short of the sum required for the repayment of such loan, partly from the loan raised for the purpose under section 109, as may be approved by the State Government.
- Form and effect of debentures.
118. All debentures issued under this chapter shall be in such Form, and shall be transferable in such manner, as the Municipality may, by regulations, determine, and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof from the time, being without any preference by reason of some such debentures being prior in date to others.
- Annual state-ment.
119. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, at the end of every year, prepare, and submit to the Municipality, an annual statement showing -
- (a) the amount which has been paid into the Sinking fund or Sinking Funds during the year under section 112,
- (b) the date of the last investment made during the year,
- (c) the aggregate amount of the securities in the hand of the Municipality at the end of the year, and
- (d) the aggregate amount which has been applied for the purpose of repayment of the loan under section 115.
- (2) A copy of every such annual statement shall be submitted to the State Government by the Chief Municipal Executive Officer/ Municipal Executive Officer.
- Annual examination of Sinking Funds.
120. (1) All Sinking Funds established under this Act shall be subject to annual examination by the Auditor appointed under section 92 who shall ascertain whither the cash and the value of securities belonging to such Sinking funds are equal to the amount which should be at the credit of such Sinking Funds, had the investment under section 115 been regularly made and had the interest accruing from such investments been regularly obtained.

- (2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums paid into such Sinking Fund under section 112.
- (3) The value of securities belonging to a Sinking Fund shall be the current value of such securities, unless such securities become due for redemption at par with, or above, their face value before maturity in which case their current value shall be taken as their redemption value, except in the case of the debentures issued by the Municipality which shall always be valued at par with their face value, provided the Municipality shall make good immediately any loss owing to the sale of such debentures for repayment of the loan raised under sub-section (1) of section 109.
- (4) The Municipality shall forthwith pay into a Sinking Fund such amount as the Auditor appointed under section 92 may certify to be deficit in respect of such Sinking Fund, unless the State Government specially sanctions a gradual readjustment of such deficit.
- (5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at the credit of such Sinking Fund, the Auditor appointed under section 92 shall certify the amount of such excess sum, and the Municipality shall, thereupon, transfer the excess sum into the Municipal Fund General Account.
- (6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Municipality may, after payment of such deficit or after transfer of such excess, as the case may be, refer the matter to the State Government whose decision thereon shall be final.
121. (1) The Municipality may borrow money from the State Government for carrying out the purposes of this Act on such terms and conditions as the State Government may determine.
- (2) If any money borrowed by the Municipality from the State Government before the commencement of this Act or under sub-section (1) is not repaid, or any interest due in respect thereof is not paid, according to the terms and conditions of such borrowing, the State Government may attach the Municipal Fund or any portion thereof.
- (3) After such attachment, an officer as may be appointed in this behalf by the State Government shall deal with the Municipal Fund, or any portion thereof, so attached, in such manner as he thinks fit and may do all acts in respect thereof which any municipal authority or an officer or other employee of the Municipality might have done under this Act, if such attachment had not taken place, and may apply such Municipal Fund or the portion thereof, as the case may be, for payment of the arrear of the principal amount and the interest incurred on account of the attachment and subsequent proceeding :
- Provided that no such attachment shall defeat or prejudice any debt for the recovery of which the Municipal fund was previously charged under any law for the time being in force, and all such prior debt shall be paid out of the Municipal Fund before any part thereof is applied for repayment of the money borrowed from the State Government.
122. Subject to such guidelines and procedure as the Central Government may lay down from time to time and with the previous approval of the State Government, the Municipality may issue tax-free Municipal Bonds for financing of projects for development of urban infrastructure.

Power of Municipality to borrow money from State Government and attachment of Municipal fund for recovery of such money.

Issue of Municipal Bonds for development of urban infrastructure.

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| Credit rating of Municipal Bonds. | 123. (1) A Municipality shall, if and when required for the purpose of raising funds through a Municipal Bond, arrange to have a credit rating of the municipal Bonds by a Credit Rating Agency, duly approved by the Central Government or the State Government, as the case may be, in this regard.

(2) The Municipality shall provide to the Credit Rating Agency such information as it may require. |
| Pledging of Municipal assets as security for Municipal Bonds. | 124. The Municipality may pledge its movable and immovable assets including lands, buildings and revenues from tax in special escrow accounts as security for the Municipal Bonds issued for development of urban infrastructure. |
| Debt Service Reserve Fund. | 125. The Municipality may set up a Debt Service Reserve Fund by providing special grants from its surplus revenue or through capitalization of proceeds from Municipal Bonds to service bond-holders in case of default in payment of principal and interest for a period not exceeding two years. |
| Limit to encumbrances through future debt. | 126. If and when required, the Municipality may, for the purpose of issuing Municipal Bond, limit its future debt encumbrances by adoption of suitable debt service coverage ratio as a minimum ratio in relation to its future cash flow projections. |
| Use of proceeds from Municipal Bonds. | 127. The fund to be raised from the Municipal Bonds shall be used for capital investment for development of urban infrastructure in the spheres of water-supply, sewerage, solid waste management, markets, roads, bridges, and urban transport, and for reforming and improving the efficiency of existing systems of municipal administration and for repayment of loans for the aforesaid purposes raised through earlier issues of municipal bonds or otherwise. |

MUNICIPAL REVENUE

Chapter-XV

Sources of Internal Revenues

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

(a) taxes levied by the Municipality,

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

(c) fees and fines levied for performance of regulatory and other statutory functions. |
| Power to levy taxes. | 129. (1) Subject to the provisions of section 10, the Municipality shall have, for the purposes of this Act, the power to levy the following taxes:-

(a) property tax on lands and buildings,

(b) surcharges on transfer of lands and buildings,

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

(d) water tax,

(e) fire tax,

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

(g) surcharge on entertainment tax, |

- (h) surcharge on electricity consumption within the municipal area,
- (i) tax on congregations,
- (j) tax on pilgrims and tourists, and
- (k) toll-
 - (i) on roads, bridges and ferries, and
 - (ii) on heavy trucks which shall be heavy goods vehicles, and buses, which shall be heavy passenger motor vehicles, within the meaning of the Motor Vehicles Act, 1988, plying on a public street.
- (2) Subject to the prior approval of the State Government, the Municipality may, for raising revenue for discharging its duties, and performing its functions, under this Act, levy any other tax which the State Legislature has the power to levy under the Constitution of India.
- (3) The levy, assessment and collection of taxes under this Act shall be in accordance with the provisions of this Act and the rules and the regulations made there under.

130. The Municipality shall levy user charges for-

Power to levy user charges.

- (i) provision of water-supply, drainage and sewerage,
- (ii) solid waste management,
- (iii) parking of different types of vehicles in different areas and for different periods,
- (iv) stacking of materials or rubbish on public streets for construction, alteration, repair or demolition work of any type, and
- (v) other specific services rendered in pursuance of the provisions of this Act,

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

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

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

131. The Municipality 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 there under for-

Power to levy fees and fines.

- (a) sanction of building plans and issue of completion certificates,
- (b) issue of municipal licenses for various non-residential uses of lands and buildings,
- (c) licensing of -
 - (i) various categories of professionals such as plumbers and surveyors,
 - (ii) various activities such as sinking of tube-wells, sale of meat, fish or poultry, or hawking of articles,
 - (iii) animals,
 - (iv) carts or carriages, and
 - (v) such other activities as require a licence or permission under the provisions of this Act, and
- (d) issue of birth and death certificates.

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| Levy of surcharge on tax or fee. | 132. | The Municipality may levy a surcharge on a tax, or user charge, or fee on a premises used for non-residential purposes at such rate, being not less than twenty five <i>per cent</i> and not more than seventy five <i>per cent</i> , of such tax, user charge or, fee, as the case may be, as may be determined by regulations. |
| Power to levy development charge. | 133. | The Municipality may levy such development charge as may be determined by regulations, from time to time, on any residential building with a height of more than fourteen meters, or any non-residential building, having regard to its location along a particular category of street, its use characteristics, and sanctioned built up area. |
| Realization of tax, fees, cess, etc. under any other law. | 134. | The Municipality may, if so authorized by any other law for the time being in force, realize any tax, development charge, cess, or fee, imposed under that law, or any dues payable under that law, in accordance with the provisions thereof. |

Chapter-XVI

Tax on Lands and Buildings and Related Taxes Other Than Property Tax

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| Levy of surcharge on transfer of land and buildings. | 135. | (1) The Municipality may levy a surcharge on the transfer of lands and buildings situated within the municipal area as a percentage of stamp duty levied on such transfer under the Indian Stamp Act, 1899.

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

(a) collection of surcharge,

(b) payment of surcharge to the Municipality, and

(c) deduction of the expenses, if any, incurred by the State Government in course of collection of surcharge,

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

(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 determined for the levy of property tax under this Act. |
| Water tax. | 137. | The Municipality 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. | 138. | The Municipality 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-XVII
Tax on Advertisements other Than
Advertisements in Newspapers and
Licence Fees for Advertisement Spaces

139. (1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon sign or sky-sign any advertisement, or display any advertisement to public view in any manner whatsoever (including any advertisement exhibited by means of cinematograph), visible from a public street or public place, in any place within the municipal area without the permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer. Prohibition of Advertisements without written permission of the Chief Municipal Executive Officer/ Municipal Executive Officer.
- (2) The Chief Municipal Executive Officer/Municipal Executive Officer 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, on radio or television, without the permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer.
140. (1) Except under, and in conformity with, such terms and conditions of a license as the Municipality may, by regulations, provide, no person being the owner, lessee, any site in any land, building or wall, or erect, or allow to be erected, on any site any hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign for the purpose of display of any advertisement. Licence for use of site for purpose of 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 Chief Municipal Executive Officer/ Municipal Executive Officer in such Form as may be specified by the Municipality.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, after making such 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, or refuse or cancel a licence, as the case may be.
- (4) The Chief Municipal Executive Officer/Municipal Executive Officer may, if, in his opinion, the proposed site for any advertisement is unsuitable from the considerations of public safety, traffic hazards or aesthetic design, refuse to grant a licence, or renew any existing licence, within thirty days of the receipt of the application.
- (5) Every licence shall be for a period of one year 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 Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained a register wherein the licence issued under this section shall be separately recorded in respect of advertisement sites-
- (a) on telephone, telegraph, tram, electric or other posts or poles erected on or along public or private streets or public places,
 - (b) in lands or buildings, and
 - (c) in cinema-halls, theaters or other places of public resort.

Tax on advertisement.

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

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

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

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

Provided that the Municipality may, under such terms and conditions of licence as may be determined by regulations under section 140, require the licensee to collect, and to pay to the Municipality, subject to a deduction of five per cent of the tax, to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which the licence has been granted.

142. Any permission under section 139 shall be void,-
- (a) if the advertisement contravenes the provisions of any regulations made under this Act, or
- (b) if any material change is made in the advertisement or any part thereof without the previous permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, or
- (c) if the advertisement or any part thereof falls otherwise than by accident, or
- (d) if, due to any work by the Central Government, the State Government, or the Municipality, or by any statutory authority, the advertisement is required to be displaced.
143. Any licence granted under section 140 shall be void,-
- (a) if the licensee contravenes any of the terms and conditions of licence, or
- (b) if any addition or alteration is made to, or in, the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, upon or over which the advertisement is erected, exhibited, fixed or retained, or
- (c) if the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign over which the advertisement is erected, exhibited, fixed or retained or demolished or destroyed.
144. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign or displayed to public street or public place in contravention of the provisions of this Act or the regulations made thereunder, it shall be presumed, unless the contrary is proved, that the contravention has been made by the person or persons on whose behalf the advertisement purports to be or the agents of such person or persons.
145. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or the regulations made thereunder, the Chief Municipal Executive Officer/ Municipal Executive Officer may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, fixed or retained to take down or remove such advertisement or may enter any land, building or other property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.
- Explanation I.**- The word “ structure” in this chapter shall include any movable board on wheels used as on advertisement or advertisement medium.
- Explanation II.**- The word “advertisement”, in relation to a tax on advertisement under this Act, shall mean any word, letter, model, sign, neon-sign, sky-sign, placard, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purposes of, advertisement, announcement or direction.
146. Notwithstanding any other action that may be taken against the owner or the occupier of any land or building, upon or over which there is any hoarding, frame, post, kiosk, structure, vehicle, neon- sign or sky-sign for erecting any advertisement in contravention of the provisions of this Act or the regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, the Chief Municipal
- Permission of the Chief Municipal Executive Officer/ Municipal Executive Officer to be void in certain cases.
- Licence for use of site for purpose of advertisement to be void in certain cases.
- Presumption in case of contravention.
- Power of the Chief Municipal Executive Officer/ Municipal Executive Officer in case of contravention.
- Removal of poster, hoarding, etc.

Executive Officer/Municipal Executive Officer may, for removal and storage of such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, realize from such person such charges as may be fixed by the Empowered Standing Committee from time to time.

Chapter-XVIII

Other Taxes and Tolls

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

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

shall be as may be prescribed. |
| Surcharge on electricity consumption. | 148. Subject to the approval of the State Government, the Municipality may levy a surcharge on consumption of electricity within the municipal area at such rates as may be prescribed. |
| Tax on tourists and congregations. | 149. (1) The Municipality may levy a tax per head or per vehicle for providing municipal services to persons or vehicles visiting the municipal area for the purpose of tourism or in connection with any congregation of whatever nature, including pilgrimage, fair, festival, circus or <i>yatra</i> , within a municipal area for persons or vehicles assembling within the municipal area for the purpose :

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

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

(3) The Municipality may made regulations specifying the occasions on which such levy may be imposed and the rate of levy, the mode of collection, and the other matters incidental thereto. |
| Toll on roads. | 150. The Municipality may, with the sanction of the State Government, establish a toll-bar on any public street in the municipal area and levy a toll at such toll-bar on vehicles at such rate as may be determined by the State Government from time to time. |
| Toll on bridges. | 151. (1) The Municipality may, with the sanction or the 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 be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in construction of such bridge together with interest on such expenses and in maintaining such bridge in good repair.

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

152. (1) The Municipality may levy toll on heavy trucks and buses referred to in sub-clause (ii) of clause (1) of sub-section (1) of section 129, plying on a public street. Toll on heavy truck and bus.
- (2) The rate of toll for the purposes of sub-section (1) shall be such as may be determined by the Municipality by regulations from time to time.
- (3) The Municipality may make regulations providing for the mode of collection of toll and other matters incidental thereto.
153. (1) Where a ferry plies between two points on a water-course and either one or both the points are situated within a municipal area, the State Government may, after considering the views of the concerned Municipality, declare such ferry to be a municipal ferry, and, thereupon, the profits derivable from the plying of such shall be credited to the Municipal Fund. Declaration of ferries as municipal ferries.
- (2) Due compensation shall be given by the concerned Municipality to any person for the loss which he may have sustained as a result of a ferry being declared to be a municipal ferry.
154. Subject to the provisions of any Central or State law relating to the administration of public ferries, the Municipality shall specify by regulations- Administration of municipal ferries.
- (a) the terms and conditions for granting of lease of municipal ferries in favour of private parties,
- (b) the rates of tolls to be established and published for such municipal ferries,
- (c) the grounds for cancellation of ferry leases,
- (d) the administration of a municipal ferry involving another Municipality or local authority,
- (e) provisions for safety and convenience of passengers and goods, and
- (f) Provisions for exemptions from payment of toll for municipal ferries in the case of authorized representatives and properties of the Central Government or the State Government or the Municipality.
155. (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 area, that Government may with the consent of the concerned Municipality, appoint such Municipality to collect tolls in accordance with the provisions of such law until the State Government otherwise directs, and the profits derivable there from, or such part thereof as may be agreed upon between the State Government and the Municipality, shall be credited to the Municipal Fund. Municipality to collect tolls in navigable channel.
- (2) In every such case, the Municipality shall exercise all the powers vested in the Collector under the law as aforesaid.

Chapter-XIX

Payment and Recovery of Taxes

A. Recovery of Taxes by Municipality

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

157. (1) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such date, in such number of instalments, and in such manner, as may be determined by regulations.
- (2) If any amount due is paid on or before the date referred to in sub-section (1), a rebate of five per cent of such amount shall be allowed.

Presentation of bill.

158. (1) When any tax has become due, the Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be presented to the person liable for the 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 Municipality, 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.

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

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

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

- (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.

159. To ensure payment and recovery of its tax dues, the Municipality shall, by regulations, provide for-
- (a) issue of notice of demand, charging of notice fee, levy of interest of delayed payment at a rate as may be specified, and the amount of penalty there for,
 - (b) issue of warrant for attachment, distress, and sale of movable property for recovery of tax dues,
 - (c) attachment and sale of immovable property for recovery of tax dues, and
 - (d) recovery of dues from a person about to leave the municipal area.

160. (1) For the purpose of recovery of property tax on any land or building from any occupier, the Chief Municipal Executive Officer/ Municipal Executive Officer 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 Municipality 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. Requirement of payment of rent by occupier towards tax due on land or building.
- (2) Such notice shall operate as an attachment of such rent unless the portion of the sum due shall have paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom such rent is due, any sum paid by him to the Municipality in pursuance of such notice:
- Provided that if the person to whom such rent is due is not the person primarily liable for payment of the tax on land or building, he shall be entitled to recover from the person primarily liable for payment of such tax any amount for which credit is claimed.
- (3) If any occupier fails to pay to the Municipality any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Municipality as an arrear of tax under this Act.
161. (1) If any money is due under this Act from the owner of any land or 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 Municipal Executive Officer may publish twice, at an interval of not less than two months, a notification of such dues 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 last publication of such notification, unless the amount recoverable is paid, sale such land or building by public auction to the highest bidder, who shall deposit, at the time of sale, *twenty-five per cent* of the purchase money, and the balance thereof within thirty days of the date of sale. Such notification shall be published in the *Official Gazette* and in local newspapers and by displaying on the land or the building concerned. Recovery of property tax on land and building or any other tax or charge when owner of land or building is unknown or ownership is disputed.
- (2) After deducting the amount due to the Municipality as aforesaid, the surplus sale proceeds, if any, shall be credited to the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer or a court of competent jurisdiction.
- (3) Any person may pay the amount due at any time before the completion for the sale, whereupon the sale be abandoned. Such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or building.
162. (1) When any sum is due from any person on account of – Power of Chief Municipal Executive Officer/ Municipal Executive Officer to prosecute or serve notice of demand.
- (a) tax on advertisements other than the advertisements published in newspapers, or
- (b) any other tax, fee or charge leviable under this Act, the Chief Municipal Executive Officer/ Municipal Executive Officer may either prosecute such person, if prosecution lies under the provisions of this Act, or cause to be served on such person a notice of demand in such Form as may be specified by regulations or in such other Form as the Chief Municipal Executive Officer/ Municipal Executive Officer may deem fit.
- (2) The provisions of section 159 shall apply mutantes mutandis, to every such recovery of sum due.

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

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

Apportionment of property tax on lands and buildings by person primarily liable to pay. 164. (1) Save as otherwise provided in this Act, the person primarily liable to pay the property tax in respect of any land or building may recover,-
(a) if there be but one occupier of the land or the building, from such occupier half of the tax so paid, and, if there be more than one occupier, from each occupier half of such sum as bears to the entire amount of tax so paid by the owner the same proportion as the value of the portion of the land or the building in the occupation of such occupier bears to the entire value of such land or building :

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

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

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

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

Mode of recovery. 165. 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-XX

Commercial Projects

Commercial projects and receipts there from. 166. The Municipality may, either on its own or through public or private sector agencies, undertake the planning, construction, operation, maintenance or management of commercial infrastructure projects, including district centers, 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-XXI

**Private Sector Participation Agreement and
Assignment to other Agencies**

167. Notwithstanding anything contained elsewhere in this Act, but subject to the provisions of any State law relating to planning, development, operation, maintenance and management of municipal infrastructure and services, a Municipality may, in the discharge of its functions specified in section 47, section 48, and section 49,-
- Undertaking of project by Municipality or by other agency.
- (a) promote the undertaking of any project for supply of urban environmental infrastructure or services by participation of a company, firm, society, trust or any body corporate or any institution, or Government agency or any agency under any other law for the time being in force, in financing, construction, maintenance and operation of such project of a Municipality irrespective of its cost,
 - (b) consider and approve the undertaking of any project relating to urban environmental infrastructure or services by a company, or firm, or society, or body corporate in terms of a private sector participation agreement or jointly with any such agency, and
 - (c) consider and approve the undertaking of any project relating to urban environmental infrastructure or services by any institution, or Government agency under any other law for the time being in force, or jointly with any such agency.
168. (1) Private sector participation agreements shall be such as may be prescribed.
- (2) Without prejudice to the generality of the foregoing provisions of this section, such agreements include the following:
- Types of private sector participation Agreements.
- (a) Build-Own-Operate-Transfer Agreement,
 - (b) Build-Own-Operate-Maintain Agreement,
 - (c) Build and Transfer Agreement,
 - (d) Build-Lease-Transfer Agreement,
 - (e) Build-Transfer-Operate Agreement,
 - (f) Lease and Management Agreement,
 - (g) Management Agreement,
 - (h) Rehabilitate-Operate-Transfer Agreement,
 - (i) Rehabilitate-Own-Operate-Maintain Agreement,
 - (j) Service Contract Agreement, and
 - (k) Supply-Operate-Transfer agreement.
169. In the discharge of its obligations for providing urban environmental infrastructure and services in relation to water- supply, drainage and sewerage, solid waste management, communication systems and commercial infrastructure, the Municipality may, wherever considered appropriate in the public interest,-
- Functions assigned to Municipality or other agencies.
- (a) discharge any of its obligations on its own, or
 - (b) enter into any private sector participation agreement.

Chapter –XXII**Water-Supply*****A. General***

Definitions.

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

- (1) “communication pipe” means-
 - (a) where the premises supplied with water abutts on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building, abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and such stopcock, and
 - (b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also includes, -
 - (i) where the communication pipe ends at a stopcock, such stopcock, and
 - (ii) any stopcock fitted on the communication pipe between the end thereof and the main;
- (2) “main” means a pipe laid by the Municipality for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in the connection with such pipe;
- (3) “service-pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water-pressure from that main, or would be so subject but for the closing of any tap;
- (4) “supply-pipe” means so much of any service pipe as is not a communication pipe;
- (5) “trunk-main” means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of such limits, or for the purpose of giving, or taking, a supply of water in bulk;
- (6) “water-fittings” includes pipes (other than mains), taps cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

B. Functions in Relation to Water-supply

Duty of Municipality to supply water.

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

- (c) to provide, as far as possible, supply of wholesome water otherwise than in pipes to every part of the municipal area in which there are houses, for domestic purposes of the occupants thereof, and to which it is not practicable to provide supply in pipes at a reasonable cost, and in which danger to health may arise from the insufficiency or unwholesomeness of the existing supply and a public supply is required and may be provided at a reasonable cost, and to secure that such supply is available within a reasonable distance of every house in that part.
- (2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to such point or points at a reasonable cost, or, if any question arises under clause (c) of that sub-section as to whether a public supply may be provided at a reasonable cost, such question shall be decided by the Municipality.
172. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, on an application by the owner, lessee or occupier or 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: Supply of water to connected premises.
- Provided that the Chief Municipal Executive Officer/ Municipal Executive Officer may, by order in writing, delegate the responsibility of receiving the application to any other agency.
- (2) For the water supplied under sub-section (1), payment shall be made at such rate as may be fixed by the Municipal from time to time:
- Provided that such rate shall, as far as practicable, cover the costs on account of management, operation, maintenance, depreciation, debt servicing, and other charges related to waterworks and distribution costs, including distribution-losses, if any.
- (3) A supply of water for domestic purposes shall be deemed not to include a supply-
- (a) to any institutional building, assembly building, business building, mercantile building, industrial building, storage building, or hazardous building, referred to in clause (2) of section 339, or any part of such building, other than that used as a residential building, or educational building, within the meaning of sub-clause (a), or sub-clause (b), of clause (2) of that section,
 - (b) for building purposes,
 - (c) for watering roads and paths,
 - (d) for purposes of irrigation,
 - (e) for gardens, fountains, swimming pools, or for any ornamental or mechanical purpose, or
 - (f) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire.
173. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or the other agency, as the case may be, may, on receiving an application, in writing, specifying the purpose for which the supply of water is required and the quantity which is likely to be consumed, supply water for any purpose other than domestic purpose, on such terms and conditions, including the condition of withdrawal of water, as may be determined by regulations. Supply of water for non-domestic purposes.
- (2) For the water supplied under sub-section (1), payment shall be made at such rate as may be

fixed by the Municipality from to time.

- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may withdraw such supply at any time, if he thinks it necessary so to do, in order to maintain a sufficient supply of water for domestic purpose.
- Provision of communication pipes and fittings. 174. (1) When an application under section 172 or section 173 has been received, all necessary communication pipes and fittings shall be supplied by the Municipality or the other agency, as the case may be, and the work of laying and connecting such communication pipes and fittings shall be executed under the orders of the Chief Municipal Executive Officer/ Municipal Executive Officer or the other agency, as the case may be.
- (2) The cost of making such connections and of such communications pipes and fittings and of the work of laying and connecting such communication pipes and fittings shall be paid by the owner or the person making such application.
- (3) Notwithstanding anything contained in sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may require any owner, or the person applying for supply of water, to provide, to his satisfaction, all Communication pipes and fittings, and to carry out at the owner's or the applicant's cost and under his supervision and inspection the work of laying and connecting such communication pipes and fittings.
- (4) Where it is practicable of supply water at a reasonable cost within the meaning of sub-section (2) of section 171, the work relating to making of connection and fixing of communication pipes and fittings shall be executed within a period of one month from the date of receipt of the application referred to in sub-section (1).
- (5) The cost recovered under this section for making connection and supplying communication pipes and fittings shall be spent only on works relating to water-supply.
- Water-supply through hydrants, stand posts and other conveniences. 175. (1) The Municipality may, in exceptional circumstances, either on its own or through other agency, provide, free of cost, supply of wholesome water to the public within the municipal area and may, for the said purpose, erect public hydrants or stand-posts or other conveniences.
- (2) The Municipality may order the closure of a public hydrant, stand-post or other conveniences for reasons to be recorded in writing.
- (3) The Municipality may either on its own or through other agency provide for safety, maintenance and use of such public hydrants, stand-posts or other conveniences, subject to such conditions as may be specified by regulations.
- Provision for fire hydrants. 176. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through other agency, fix hydrants on water-mains, other than trunk mains, at such places as may be most convenient for affording supply of water for extinguishing any fire, and shall keep in good order such hydrants, and may, from time to time, renew every such hydrant.
- (2) Letters, marks or figures shall be displayed prominently on a wall, building or other structure near every such hydrant to denote the situation of such hydrant.
- (3) As soon as the work relating to any hydrant is completed, the Chief Municipal Executive Officer/ Municipal Executive Officer or the other agency, as the case may be, shall deposit a key thereof at the nearest place where a public fire engine is kept and in such other places as he may deem necessary.
- (4) The Chief Municipal Executive Officer/ Municipal Executive Officer may, at the request and expense of the owner or the occupier of any building referred to in clause (a) of sub-section (3) of section 172, which is situated in or near a street in which a pipe, not being a trunk main,

is laid, and being of sufficient dimensions to carry a hydrant, fix on the pipe, and deep in good order, and, from time to time, renew, on or more fire hydrants as near to such building as may be convenient, to be used only for extinguishing fire.

- (5) The Chief Municipal Executive Officer/ Municipal Executive Officer shall allow any person to take water for extinguishing fire from any pipe on which a hydrant is fixed without any payment.
177. (1) The Municipality may, subject to the satisfaction of the reasonable requirements of water within the municipal area, supply water to a local authority or any person outside the municipal area, either by itself or through any other agency. Supply of water to areas outside municipal area.
- (2) The supply of water under sub-section (1) shall be at such rate, not being less than the cost of production and delivery, including the costs of debt servicing, depreciation of plant and machinery, distribution-loss, and other charges, if any, as the Municipality may, from time to time, determine.

***C. Planning, Construction, Maintenance
and Management of Waterworks.***

178. Subject to the provisions of chapter XXI, all public tanks, 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, material and things connected therewith, or appertaining thereto, and any adjacent land, not being private property, appertaining to any such water-source, which are situated within the municipal area, shall vest in the Municipality. Public tanks, sub-soil water, etc. to vest in Municipality.
179. All rights over the sub-soil water resources within the municipal area shall vest in the Municipality. Vesting of sub-soil rights.
180. Subject to the provisions of section 10, for the purpose of providing the municipal area with proper and sufficient supply of water for public and private uses, the Municipality, either on its own or through any other agency,- Works to be undertaken for supply of water.
- (a) shall cause to be constructed or maintained such tanks, reservoirs, engines, pipes, taps, and other water works as may be necessary, within or outside the municipal area,
- (b) may purchase, or take on lease, any waterworks, or rights to store or to take and convey water, within or outside the municipal area, and
- (c) may enter into any agreement with any person or authority for the supply of water :
- Provided that the Municipality 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.
181. Subject to the provisions of chapter XXI, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through any other agency, manage all waterworks and allied facilities belonging to the Municipality and shall maintain the same in good repair and efficient condition and shall cause to be done, from time to time, all such things as shall be necessary or expedient for improving such waterworks and facilities. Management of water works
182. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer shall, either on his own or through any other agency, at all times, ensure that the water in any waterworks belonging Purity of water for Domestic purpose.

to the Municipality, from which water is supplied for domestic purposes, is wholesome.

- (2) The Municipality or the other agency, as the case may be, shall, when so required by any competent authority under any law for the time being in force, arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

Water not to be wasted.

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

D. Tube-wells and Wells

Prohibition regarding sinking of tube-wells or digging of wells etc.

184. (1) No person shall, except with the prior permission, in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer, sink any tube-well or dig or construct any new well, tank, pond, cistern or fountain in any municipal area.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may grant such permission, and may issue a licence for the purposes of sub-section (1), on such conditions, and on payment of such annual fee, as the Municipality may, from time to time, specify.
- (3) If any such work of sinking of tube-well has begun or completed without such permission, the Municipal Executive Officer may, -
- (a) by notice, in writing, require the owner or the other person, who has done such work to fill up or demolish such work, within such time as may be specified in the notice, and if the work of filling up or demolition is not done within the time so specified, cause the work to be done and realize the expenses therefore from the owner or the person to whom such notice was given, or
- (b) grant permission to retain such work on such terms and conditions as the Empowered Standing Committee may consider fit to impose.

Power to require filling up of wells.

185. Whenever a supply of water has been provided in any municipal area, the Municipality may, by notice, in writing, require the owner, lessee or occupier, as the case may be, of a well, tube-well, tank or other water area, forming a part of any premises in such area, to fill up such well, tank or other water area.

Power to set apart wells, tanks, etc. for drinking, culinary, bathing, and washing purposes.

186. The Empowered Standing Committee may, by order published at such places as it may think fit, set apart any tank, well, spring or watercourse, or any part thereof, vested in the Municipality or, by an agreement with the opener thereof, any private tank, well, spring or watercourse or part thereof, subject to any right which such owner may retain with the consent of the Empowered Standing Committee, for any of the following purposes, namely:-
- (a) supply of water exclusively for drinking or for culinary purposes or for both, or
- (b) bathing, or
- (c) washing animals or clothes, or
- (d) any other purpose connected with health, cleanliness or comfort of the inhabitants, and may, by like order, prohibit bathing, or washing of animals or clothes or other

things at any public place, not set apart for such purposes, or prohibit any other act by which water in any public place may be rendered foul or unfit for use, or provide for alternative facilities and conveniences to regulate the use of any tank, well, spring or watercourse to promote public safety, health and welfare.

E. Water-supply Mains and Pipes

187. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, lay, whether within or outside the municipal area, a main, or such service pipes with such stopcocks and other water fittings as he may deem necessary for supply of water to premises-
- (a) in any street, and
- (b) with the consent of every owner or occupier of any land not forming part of a street, in, over or on that land,
- and may, either on his own or through any other agency, from time to time, inspect, repair, alter, or renew or may, at any time, remove any such main, or service pipes, so laid, whether under this section or under any other provision of this Act :
- Provided that where a consent required for the purposes of this sub-section is withheld, the Chief Municipal Executive Officer/ Municipal Executive Officer may, after giving the owner or the occupier of the land a notice, in writing, of his intention so to do, either on his own or through any other agency, lay the main or the service pipes, as the case may be, in, over or on that land without such consent.
- (2) Where a service main or a service pipe has been lawfully laid in, over or on the land not forming part of a street, the Chief Municipal Executive Officer/ Municipal Executive Officer or any other agency appointed by him may, from time to time, enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof, but shall pay compensation for any damage done in the course of such action.
188. Subject to such terms and conditions as may be provided by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer shall have the power to prohibit-
- (a) laying of ware-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.
189. The Chief Municipal Executive Officer/ Municipal Executive Officer may, subject to such terms and conditions as may be specified by regulations from time to time, require-
- (a) the provision of separate supply-pipes for each land or building or each storey of a building,
- (b) the owner of a land or building, or the person primarily liable for payment of tax in respect of a land or building, having no supply, or inadequate supply, of wholesome water for domestic purposes, to take supply of water from the mains of the Municipality and to set up electric pumps for the purpose, and
- (c) the occupier of any land or building to which water is supplied by the Municipality, to keep the supply-pipes in efficient repair.
190. (1) Notwithstanding anything contained in this Act, the Municipal Executive Officer may cut off the connection between any waterworks of the municipality and any premises to which water is supplied from such water-works, or may turn off such supply, in any of the following cases, namely :-
- (a) if the person, whose premises are supplied with water, neglects to pay any sum payable under sub-section (2) of section 172 or sub-section (2) of section 173, when due,

Power to lay mains, service pipes, etc

Prohibition for laying water pipes and construction of latrines and Cesspools.

Power in relation to water-supply.

Power to turn off supply of water to premises.

- (b) if, after receipt of a notice, in writing, from the Chief Municipal Executive Officer/ Municipal Executive Officer requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or to permit the same to be used in contravention of the provisions of this Act or the regulations made there-under,
- (c) if the occupier of the premises contravenes the provisions of sub-section (3) of section 172,
- (d) if the occupier refuses to admit any officer or other employee of the Municipality, duly authorized in that behalf, into the premises for the purpose of making any inspection under this Act or the regulations made there-under,
- (e) if the owner or the occupier of the premises willfully or tap conveying water from any waterworks of the Municipality,
- (f) if any pipes, taps, works or fittings, connected with the supply of water to the premises, be found, on examination by the Chief Municipal Executive Officer/ Municipal Executive Officer, to be out of repair to such an extent as to cause so serious a waste of water that, in his opinion, immediate prevention is necessary,
- (g) if the use of the premises for human habitation has been prohibited under this Act,
- (h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning off the water-supply is attached, and
- (i) if, by reason of a leak in the service pipe or fitting, damage is caused to any public street and immediate prevention is necessary:

Provided that-

- (i) water-supply shall not be cut off or turned off in any case referred to in clause (g) or clause (i), unless a notice, in writing, of not less than seventy-two hours has been given to the occupier of the premises, and
 - (ii) in the case referred to in clause (f) or clause (i), the Chief Municipal Executive Officer/ Municipal Executive Officer may carry out necessary repair to pipes, taps, works, or fittings and recover the expenses thereof from the owner or the occupier of the premises.
- (2) The expenses of cutting-off water-supply shall be paid by the owner or 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.

F. Water Meters and Recovery of Charges

Power to provide water meters and recover charges.

191. The Municipality 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 water works and billing and collection of charges.

192. The Chief Municipal Executive Officer/ Municipal Executive Officer may, with the prior approval of the Empowered Standing Committee, entrust the work of operation and maintenance of waterworks in the municipal area and the work of billing and collection of water charges under any law for the time being in force, on any private agency.

G. Offence in Relation to Water-supply

193. If any offence relating to water-supply is committed under this Act in any 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. Liability for offence in relation to water supply.

Chapter-XXIII

Drainage and Sewerage

A. Functions in Relation to Drainage and Sewerage

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

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

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

Provided further that with effect from such 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.

195. For the purposes of receiving, treating, storing, disinfecting, distributing, or otherwise disposing of sewage, the Municipality may, either on its own or through any other agency, construct, operate, maintain, develop and manage any works within or outside the municipal area. Provision of means for disposal of sewage.

**B. Proprietary Rights of Municipality
In respect of Drains and Sewage Disposal Works**

196. Subject to the provisions of chapter-XXI,- Vesting of public drains and sewage disposal works.
- (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 area, shall vest in the Municipality,
 - (b) for the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal system, so much of the sub-soil appertaining thereto, as may be necessary for such purposes, shall be deemed also to vest in the Municipality, and
 - (c) all drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up of the Municipal Fund in or upon premises, not belonging to the Municipality, whether-
 - (i) before or after the commencement of this Act, and
 - (ii) for the use of the owner or the occupier of such premises or not, shall, unless the Municipality has otherwise determined, or does at any time otherwise determine, vest, and shall be deemed always to have vested, in the Municipality.

Explanation-All public and other drains, which vest in the Municipality, are hereinafter referred to in this Act as municipal drains.

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

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

C. Municipal Drains

Power of making drains.

198. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer, 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 area, or, for the purpose of out-fall or distribution of sewage, outside the municipal area.

(2) The Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, may construct any new drain in place of an existing drain or repair or alter any municipal drain so constructed.

Sewage and rain water drains to be separated.

199. For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Chief Municipal Executive Officer/ Municipal Executive Officer, 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.

200. Subject to such terms and conditions as may be specified by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, may -

- (a) enlarge, alter the course of, lessen, or arch over, or otherwise improve, any municipal drain within the municipal 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 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 or a nuisance or is prejudicial to health, or any petroleum Class 'A', petroleum Class 'B' or petroleum Class 'C'.

Explanation- For the purposes of this section, the expression "petroleum Class 'A', "Petroleum class 'B', Petroleum Class 'C'" shall have the same meaning as in the Petroleum Act, 1934.

D. Drains of Private Streets and Drainage of Premises

Powers in relation to drainage.

201. Subject to such terms and conditions as may be specified by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, may-

- (a) permit the owner or the occupier of any premises having a drain, or the owner of a private drain, to have his drain made to communicate with the municipal drain for discharge of foul water,
- (b) limit the use of the municipal drain by the owner or the occupier of any premises having a private drain or the owner of a private drain,
- (c) require the owner of any land or building, which is without sufficient 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.
202. (1) It shall not be lawful to erect or re-erect any premises in the municipal area or to occupy any such premises unless-
- (a) a drain is constructed of such size, materials and description, at such level, and with such fall, as may appear to the Chief Municipal Executive Officer/ Municipal Executive Officer to be necessary for the effectual drainage of such premises,
 - (b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Municipal Executive Officer/ Municipal Executive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matters, and conveying the same, from such premises and of effectually flushing the drain of such premises and every fixture connected therewith.
- (2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from the premises, but if no municipal drain is situated without such distance, then, such drain shall empty into a cesspool situated within the distance to be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer for the purpose.

E. Trade Effluent

203. Subject to the provisions of this Act and the regulations made thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the approval of the Municipality or, so far as may be for the time being in force, without such approval, discharge into the municipal drain any trade effluent proceeding from such premises.
204. Notwithstanding anything contained in this Act or the regulations made thereunder or any usage, custom or agreement, where, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, 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 area, or the effluent is not of specified purity, the Municipal Executive Officer may, by notice, in writing, require the owner or the occupier of such premises-
- (a) to discharge the trade effluent in such manner, at such times, through such drains, and subject to such conditions, as may be specified in the notice, and to cease to discharge the trade effluent 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-XXIV

Other Provisions Relating to Water-Supply, Drainage and Sewerage

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| <p>Connection with water-works mains and drains not to be made without permission.</p> | <p>205. Without the permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer, 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 Municipality.</p> |
| <p>Buildings, railways and private streets not to be erected or constructed over water-mains or on municipal drains without permission.</p> | <p>206. (1) Without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, no building, wall, fence or other structure shall be erected, and no railway or private street shall be constructed or maintained by, or vested in, the Municipality.</p> <p>(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 Municipal Executive Officer may do good in such manner as he may think fit.</p> <p>(3) The expenses incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer for carrying out the purposes of sub-section (2), shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person responsible and shall be recoverable as an arrear of tax under this Act.</p> |
| <p>Railway administration to be informed in certain cases.</p> | <p>207. If the Chief Municipal Executive Officer/ Municipal Executive Officer 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 Municipality.</p> |
| <p>Chief Municipal Executive Officer/ Municipal Executive Officer not to sanction building plan unless plan relating to watersupply etc. is in conformity with rules and regulations.</p> | <p>208. Subject to the provisions of section 10, any building plan submitted to the Chief Municipal Executive Officer/ Municipal Executive Officer for sanction shall conform to such rules or regulations relating to water-supply, drainage, privy, urinal accommodation, within the premises, and sewerage as may be made in this behalf, and no building plan shall be sanctioned by the Chief Municipal Executive Officer/ Municipal Executive Officer unless it so conforms.</p> |

209. Subject to the provisions of section 10 and section 325, the Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained complete survey maps, drawings and descriptions of water-supply mains, supply-pipes, municipal drains, sewers, and connections thereto from all premises in the municipal area. Maps of underground water supply pipes, drains, etc.
210. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency authorized by him in this behalf, place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along, or across any immovable property, whether within or outside the limits of the municipal area, without acquiring such immovable property, and may, at any time, for the purpose of examining, repairing, altering or removing such aqueducts, conduits or lines of mains or pipes or drains, after giving a reasonable notice of his intention to do so, enter on any such immovable property over, under, along or across which the aqueducts, conduits, or lines of mains or pipes or drains have been placed : Rights of user of property for aqueducts, lines, etc.
- Provided that the Municipality or the other agency, as the case may be, shall not acquire any right, other than a right of a user, in such property over, under, along or across which any aqueduct, conduit or line of mains or pipe or drain is placed.
- (2) The powers conferred under sub-section (1) shall not be exercised in respect of any property which is vested in the State Government or any local authority, or is under the control or management of the Central Government or the railway administration, save with the permission of the State Government or the railway administration, as the case may be, and in accordance with such regulations as may be made in this behalf:
- Provided that the Chief Municipal Executive Officer/ Municipal Executive Officer may, without such permission, repair, renew or amend any existing works, the character or position of which is not to be altered, if such repair, renewal or amendment is urgently necessary in order to maintain, without interruption, the supply of water, drainage, or disposal of sewage, or is such that any delay would be dangerous to health, human life or property.
- (3) In the exercise of the powers conferred on the Chief Municipal Executive Officer/ Municipal Executive Officer by this section, he, or any other agency authorized by him in this behalf, shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.
211. (1) If it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that the only or the most convenient means of water-supply to, and drainage of, any along or across the immovable property of another person, the Chief Municipal Executive Officer/ Municipal Executive Officer, may, by order in writing, authorize the owner of such premises to place or carry such pipe or drain over, under, along or across such immovable property : Power of owner of premises to place pipes and drains through land belonging to other persons.
- Provided that before making any such order, the Chief Municipal Executive Officer/ Municipal Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause, within such time as should not be made :
- Provided further that the owner of the premises shall not acquire any right, other than the right of a user, in such immovable property over, under, along or across which any such pipe or drain is placed or carried.
- (2) Upon the order under sub-section (1), the owner of the premises may, after giving a reasonable notice of his intention to do so, enter upon such immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property for the purpose of repairing such pipe or drain.

- (3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to such immovable property, and the owner of the premises shall-
- (a) cause the pipe or drain to be placed or carried with the least possible delay,
 - (b) fill in, reinstate and make good at this own cost and with the least possible delay, land opened, broken up or removed for the purpose of placing or carrying such pipe or drain, and
 - (c) pay compensation to the owner of such immovable property and to any other person, who sustains damage by reason of the placing or carrying of such pipe or drain.
- (4) If the owner of such immovable property over, under, along or across which a pipe or drain has been placed or carried under this section, while such immovable property was not built upon, desires to erect any building on such immovable property, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, by notice, in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, reinstate and make good such immovable property as if his/ her pipe or drain had not been placed or carried over, under, along or across such immovable property:

Provided that no action under this sub-section shall be taken unless, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, it is necessary or expedient for the construction of the proposed building, or the safe enjoyments thereof, that the pipe or drain should be closed, removed or diverted.

Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to affix shafts etc. for ventilation of drain or cesspool and testing of drain.

212. Subject to such terms and conditions as may be specified by regulations from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, authorized by him in this behalf,-
- (a) erect upon any land or building, or affix to the outside of any building, or to any tree, any shaft or pipe as may appear to him to be necessary for the purpose of ventilating any drain or cesspool, whether vested in the Municipality or not, and
 - (b) examine the condition of a private drain or cesspool within the municipal area in respect of which there is reasonable ground for believing that such private drain or cesspool is in such condition as is prejudicial to health, or is a nuisance, by applying any test other than a test by water under pressure, and if he deems it necessary, by opening the ground.

Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to execute work after giving notice to person liable.

213. (1) When, under the provisions of this Act, any person is required, or is liable, to execute any work in relation to water-supply, drainage and sewerage within the municipal area, the Chief Municipal Executive Officer/ Municipal Executive Officer may, in accordance with the provisions of this Act and the regulations made thereunder, cause such work to be executed after giving such person an opportunity of executing such work within such time as may be specified by him for this purpose.
- (2) The expenses incurred or likely to be incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer in connection with the maintenance of such work or enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.
- (3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefore as an arrear of tax under this Act.

Work to be done by licensed plumber.

214. (1) The Empowered Standing Committee may grant licence to any person possessing such technical qualifications as may be determined by regulations to act as a licensed plumber.
- (2) No person, other than a licensed plumber, shall execute any work described in chapter XXII, and chapter XXIII, and in this chapter, and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber:

- (3) The Municipality shall, by regulations, provide for-
- (a) the terms and conditions of engagement of such licensed plumbers,
 - (b) their duties and responsibilities, and guidelines for their functions,
 - (c) the charges to be paid to them for different types of works,
 - (d) the hearing and disposal of complaints made by the owners or occupiers of any premises with regard to their work, and
 - (e) the suspension or cancellation of such licence, in case of contravention of any such regulations by any such plumber, and prosecution thereof under this Act.
215. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, or any person appointed by the State Government in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with, any waterworks at all reasonable times,-
- Power of access to water-works and drainage and sewerage installations.
- (a) enter upon, and pass through, any land within or outside the municipal area, adjacent to, or in the vicinity of such waterworks, in whomsoever such land may vest, and
 - (b) convey into and through any such land all necessary materials, tools and implements.
- (2) In the exercise of any power conferred by this section, as little damage as possible may be done, and compensation for any damage which may be done in the exercise of any such power shall be paid by the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other agency authorized by him in this behalf, or, if the person so appointed by the State Government has caused the damage, by the State Government.
216. (1) No person shall-
- Prohibition of certain acts.
- (a) willfully obstruct any person acting under the authority of the Chief Municipal Executive Officer/ Municipal Executive Officer in setting out the lines of any works or pull up or remove any pillar, post or shaft fixed in the ground for the purpose of setting out lines of such works, or deface or destroy any works made for such purpose, or
 - (b) willfully or negligently break, damage, turn on, open, close, shut off, or otherwise interfere with, any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Municipality, or
 - (c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from, any waterworks belonging to the Municipality, or
 - (d) unlawfully obstruct the flow of, or flush, draw off, or divert, or take, sewage work belonging to the Municipal or break or damage any electrical transmission line maintained by the Municipality, or
 - (e) throw any material including plastic bags and containers or waste of dairies, piggeries and poultry farms into any municipal drain or sewer, or
 - (f) obstruct any officer or other employee of the Municipal in the discharge of his duties under chapter XXII and under this chapter or refuse, or willfully neglect, to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work, or
 - (g) bathe in, at, or upon, any waterworks, or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any waterworks or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink or

drain or any steam-engine or boiler or any polluted water to turn, or to be brought, into any waterworks, or do any other act, whereby the water in any waterworks is fouled or is likely to be fouled.

- (2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Sewerage charge and sewerage cess.

217. (1) The Municipality shall levy sewerage charge on the owners of premises for connection of such premises to sewerage mains, such amount being not less than one-half of the amount chargeable for water-supply under sub-section (2) of section 172 or water-supply under sub-section (2) of section 173, as the case may be, as may be determined by regulations from time to time.
- (2) Where the owner of any premises in a locality where sewer is laid by the Municipality has not taken connection from the sewerage mains, he shall be liable to pay a sewerage cess of such amount, not being more than one-half of the amount chargeable as sewerage charge under sub-section (1), as may be determined by regulations from time to time.
- (3) Where the owner fails to pay the sewerage charge or sewerage cess, such sewerage charge or sewerage cess, as the case may be, shall be realized from the occupier, and the occupier shall be entitled to recover the amount from the owner.
- (4) The connection of premises to sewerage mains shall be provided within a period of thirty days from the date of receipt of an application in this behalf from the owner of the premises.
- (5) The charges received by the Municipality from the owner or the occupier for connecting the premises to sewerage system may be such, as may be determined by regulation.

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

218. The Chief Municipal Executive Officer/ Municipal Executive Officer may, with the prior approval of the Empowered Standing committee, entrust the work of operation and maintenance of sewerage works in the municipal 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 the State Government to exercise control over imperfect, inefficient or unsuitable waterworks, drainage works or sewerage works.

219. (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 Municipality, are maintained, or worked, or run in an imperfect, inefficient or unsuitable manner, the State Government may, by an order, in writing, direct the municipality 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 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), 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), 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 Municipality who were employed, or have been employed, in the maintenance or working of such waterworks, drainage works or sewerage works.
- (4) The cost of such establishment, including costs of all materials, implements and stores, shall be paid from the Municipal Fund within such period as may be fixed by the State Government.
220. (1) The Municipality shall prepare and maintain a Code to be called the Municipal Water-supply, Drainage and Sewerage Code which shall include such regulations as may be made from time to time relating to the construction, maintenance, repair and alteration of waterworks, water-supply mains, supply-pipes, drains, sewers, privies and urinals, cesspools, and appurtenances thereof and other matters under chapter XXII or chapter XXIII or this chapter. Municipal Water-supply, Drainage and Sewerage Code.
- (2) Such regulations shall provide for inspection of premises by the Chief Municipal Executive Officer/ Municipal Executive Officer, or any other officer, or any other agency, authorized by him in this behalf, as the case may be, to ascertain compliance with the provisions of this Act and the rules the regulations made thereunder.

Chapter-XXV

Solid Wastes

A. Functions in Relation to Solid Wastes Management

221. Subject to the Provisions of section 10, the Municipality shall, within the municipal area, be responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of municipal solid wastes and for development of any infrastructure for collection, storage, transportation, processing and disposal of such solid wastes. Duty of Municipality in respect of solid wastes management and handling.
222. Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, transportation, processing and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Municipality may fix from time to time: Entrustment of management and handling of solid wastes and billing and collection of charge.
- Provided that the charge as aforesaid shall, as far as practicable, be such shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing and disposal thereof and also the costs of debt-servicing, depreciation of plant and machinery, and other charge, if any:
- Provided further that the Chief Municipal Executive Officer/ Municipal Executive Officer may, with the prior approval of the Empowered Standing Committee, entrust development of infrastructure for collection, storage, transportation, processing and disposal of solid wastes and the work of management and handling of municipal solid wastes and of 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.
223. Subject to the provisions of section 10, the Municipality shall, either on its own or through any other agency authorized by it in this behalf,- Functions of Municipality.
- (a) organize collection of municipal solid wastes through any of the methods, like community bin collection (central bin), house-to- house collection, and collection on regular pre-informed times and schedules,
 - (b) devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas,

- (c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposals on daily basis, and
- (d) arrange for making use of biodegradable wastes from vegetable markets in an environmentally acceptable manner.

Solid wastes to be property of Municipality. 224. All solid wastes deposited in public receptacles, depots and places provided or appointed under section 225 and all solid wastes collected by the municipal employees or contractors or any other agency authorized in this behalf shall be the property of the Municipality.

Appointment of places for disposal and final disposal of solid wastes. 225. The Municipality may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable:

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

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

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

B. Collection and Removal of Solid Wastes

Duty of owners and occupiers of premises to store solid wastes at source of generation. 226. It shall be the duty of the owners and the occupiers of all lands and buildings in the municipal 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 Municipal Executive Officer may, be notice, specify.

Duty of Cooperative Housing society, Apartment owners' association, etc. 227. It shall be the duty of the managements of co-operative housing societies, apartment owners' associations, residential and non-residential building complexes, educational building, institutional building, assembly buildings, business buildings, mercantile buildings, industrial buildings, storage buildings, and hazardous building to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Municipality for temporary storage of wastes (other than recyclable wastes), hazardous wastes, and bio-medical wastes for their subsequent collection and removal by the Municipality:

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

228. No person and owner or occupier of any land or building 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.
229. (1) Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish 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, being not less than one hundred rupees, as may be determined by regulations from time to time.
- (2) Such spot fines may be collected by officers, not below the rank of a sanitary inspector, duly authorized by the Municipality in this behalf.
230. It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in 29 of exercise of the powers Conferred by the Environment (Protection) Act, 1986, to regulate the 1986 management and handling of bio-medical wastes to the extent such rules apply to the Municipality.
231. It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of hazardous wastes to the extent such rules apply to the Municipality.

Chapter-XXVI

State Municipal Regulatory Commission

232. In this chapter, unless the context otherwise requires,-
- (a) “Chairperson” means the Chairperson of the State Commission;
 - (b) “High Court” means the High Court of the State;
 - (c) “Member” means a member of the State Commission, and includes the Chairperson, and a member of a regional branch of the State Commission;
 - (d) “State Commission” means the Municipal Regulatory Commission constituted under sub-section (1) of section 233.
233. (1) The State Government shall, within three months from the date of commencement of this Act, by notification, constitute a State commission to be known as the Arunachal Pradesh Municipal Regulatory Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The State Commission shall be a body corporate, having perpetual succession and a common seal, and shall have the power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the name as aforesaid, sue or be sued.
- (3) The head office of State commission shall be at such place as the State Government may, by notification, specify.

- (4) The State Commission shall consist of such members including the chairperson, being not more than five, as the State Government may determine:

Provided that the State Government may establish one or more regional branches of the State Commission for such area or areas as the State Government may determine, and each such regional branch shall have not less than two and not more than three members.

- (5) The Chairperson and the other members shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in dealing with problems relating to, urban affairs, municipal finance, economics, engineering, law or management:

Provided that the members of a regional branch of the State Commission for an area shall be persons having adequate knowledge of that area.

- (6) The Chairpersons and the other members shall be appointed by the State Government on the recommendation of the Selection Committee constituted under section 234.

- (7) Notwithstanding anything contained in sub-section (5) or sub-section (6), the State Government may appoint any person as the Chairperson from amongst the persons who are or have been the judges of the High Court:

Provided that no such appointment shall be made except in consultation with the Chief Justice of the High Court;

Provided further that the State Government may appoint one of the members of a regional branch of the State commission from amongst the persons who are or have been the District and Sessions judges:

Provided also that no such appointment shall be made except after consultation with Chief Justice of the High Court.

- (8) The Chairperson shall be the Chief Executive of the State Commission.

- (9) The Chairperson or any other member shall not hold any other office.

Constitution of
Selection
Committee
by State
Government.

234. (1) The State Government shall, for the purposes of selection of members, constitute a Selection committee consisting of-

- (a) a person, who has been the judge of the High Court, to be the Chairperson, and

(i) the Chief Secretary to the State Government, and

- (ii) an expert having not less than ten years' experience in infrastructure finance, to be nominated by the state Government;

Provided that nothing contained in this sub-section shall apply to the appointment of a person, who is or has been the judge of the High court, as the Chairperson.

- (2) No appointment of a member shall be invalid merely by reason of any vacancy in the Selection committee.

- (3) The State Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal, and six months before the superannuation, or the expiry of the term of office, of a member, make a reference to the Selection committee for filing up of such vacancy.

- (4) The Selection Committee shall finalize the selection of a member within one month from the date of reference to it by the State Government.

- (5) Upon reference by the State Government, the Selection Committee shall recommend a panel of two names for every vacancy in the office of a member.

- (6) Before recommending any person for appointment as a member, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his function as a member.
235. (1) The Chairperson and the other members shall hold office as such for a term of five years from the date of entering upon office, but shall not be eligible for re-appointment: Term of office, salary and allowances and other conditions of service of Chairperson and other members.
- (a) in the case of the Chairperson, the age of sixty-five years, and
- (b) in the case of any other member, the age of sixty-two years.
- (2) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and the other members shall be such as may be prescribed.
- (3) The salary and allowances and the other terms and conditions of service of the chairperson or any other member shall not be varied to his disadvantage.
- (4) The Chairperson and every other member shall, before entering upon office, make, and subscribe to, an oath of office and of secrecy in such Form and manner, and before such authority, as may be prescribed.
- (5) Notwithstanding anything contained in sub-section (1) or sub-section (2), the chairperson or any other member may-
- (a) relinquish his office by giving, in writing, to the Governor a notice of not less than three months; or
- (b) be removed from his office in accordance with the provisions of section 236.
- (6) The Chairperson or any other member ceasing to hold office as such shall be ineligible for further employment under the Central Government or any State Government for a period of two years from the date from which he ceases to hold such office, and shall not-
- (a) accept any commercial employment for a period of two years from the date from which he ceases to hold such office, and
- (b) represent in any manner any person before the State Commission or any similar Commission constituted by any other State Government.
- Explanation.** – For the purposes of this sub-section,-
- (i) “employment under the Central Government or any State Government” shall include employment under a local authority or any other authority within the territory of India or under the control of the central Government or a State Government or under any corporation or society owned or controlled by the Central Government or a State Government ;
- (ii) “commercial employment” shall mean employment in any capacity under, or as agent of, a person engaged in any trading, or commercial, industrial, or financial business, in any public utility undertaking, and shall include employment as a director of a company or partner of a firm, and shall also include sitting up of practice, either independently or as a partner of a firm or as an adviser or a consultant.
236. (1) Subject to the provisions of sub-section (3), the Chairperson or any other member shall only be removed from his office by order of the Governor on the ground of proved misbehaviour after the High Court, on reference being made to it by the Governor, has, on inquiry held in accordance with such procedure as may be prescribed in that behalf by the High Court, reported that the member ought, on such ground, to be removed. Removal of Chairperson and other members.
- (2) The Governor may suspend the chairperson or any other member in respect of whom a reference has been made to the High Court under sub-section (1) until the Governor has passed orders on receipt of the report of the High Court on such reference.

- (3) Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office the Chairperson or any other member, if he-
- (a) has been adjudged an insolvent, or
 - (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or
 - (c) has become physically or mentally incapable of action as a member, or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functioning as a member, or
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest.
- (4) Notwithstanding anything contained in sub-section (3), the Chairperson or any other member shall not be removed from his office under this sub-section unless the High Court, on a reference being made to it in this behalf by such procedure as may be prescribed in this behalf by the High court, reported that the member ought, on such ground, to be removed.

Officers of
State
Commission
and other staff.

237. (1) The State Commission may appoint a Secretary to exercise such powers, and perform such duties, under the control of the Chairperson, as may be specified by regulations made by the State Commission.
- (2) The State commission may, with the approval of the State Government, determine the number, nature and categories of other officers and employees required to assist the State commission in the discharge of its functions.
- (3) The salaries and allowances payable to, and the other terms and conditions of service of, the secretary and the other officers and employees of the State commission shall be such as may be determined by the State Commission by regulations with the approval of the State Government.
- (4) The State Commission may appoint consultants to assist the State Commission in the discharge of its functions on such terms and conditions as the State Commission may, by order determine.

Functions
of State
Commission.

238. (1) Notwithstanding anything contained elsewhere in this Act, the State Commission shall discharge the following functions, namely:-
- (a) to determine separately for each Municipality the rate at which payment shall be made for water-supply under sub-section (2) of section 272 and sub-section (2) of section 273,
 - (b) to determine separately for each Municipality the sewerage charges on the owners of premises for connection of such premises to sewerage mains under sub-section (1) of section 217,
 - (c) to determine separately for each Municipality the rate or the principles for determination of the amount of charges for solid waste management under clause (ii) of section 130,
 - (d) to determine separately for each Municipality the rate or the principles for determination of charges for any other services,
 - (e) to set standards for the provision of municipal services in the State including standards relating to quality, continuity and reliability of such services,
 - (f) to suggest avenues for participation of private sector in the provision of municipal services,
 - (g) to ensure a fair deal to the citizens, and

- (h) to promote competition, efficiency and economy in the activities of the Municipalities in the provision of municipal services.
- (2) Without prejudice to sub-section (1), the State Government may, by notification, confer any of the following functions on the State commission, namely:-
- (a) to aid and advise the State Government on any matter concerning the provision of municipal services in the State and the formulation of State policies in this regard,
 - (b) to collect and record information concerning the provision of municipal services in the State,
 - (c) to collect and publish data and forecasts on the demand for, and the use of, municipal services in the State,
 - (d) do adjudicate upon the disputes and differences between any municipal authority and any suppliers of municipal services in the public or private sector on behalf of such municipal authority, or to refer such matters for arbitration,
 - (e) to co-ordinate with the environmental regulatory agencies and to evolve policies and procedure for appropriate environmental regulation of municipal services, and
 - (f) to aid and advise the State Government on any other related matters referred to the State Commission by the State Government.
239. (1) The State commission may, by notification, constitute, with effect from such date as it may specify in such notification, a Committee to be known as the State Municipal Advisory Committee. The State Municipal Advisory Committee.
- (2) The State Municipal Advisory Committee shall consist of not more than twenty-one members to represent the interest of commerce, industry, transport, agriculture, labour, consumers of civic services, Municipalities, non-governmental organizations and academic and research bodies in the municipal affairs sector.
- (3) The Chairperson and the other members shall be the *ex-officio* Chairperson and the *ex-officio* members, respectively, of the State Municipal Advisory committee.
240. The objects and functions of the State Municipal Advisory Committee shall be to advise the State Commission on- Objects and functions of the State Municipal Advisory Committee.
- (a) major questions of policy;
 - (b) matters relating to quality, continuity and extent of municipal services provided by the municipal authorities;
 - (c) protection of consumers of municipal services; and
 - (d) improvement of overall standards of performance, efficiency and economy in the provision of municipal services by municipal authorities.
241. The State Commission shall authorize any person as it deems fit to represent the interest of the consumers of municipal services in the proceedings before it. Representation before State Commission.
242. (1) Any person aggrieved by any decision or order of the State Commission may file an appeal to the High Court. Appeal to High Court in certain cases.
- (2) Except as aforesaid, no appeal or revision shall lie to any Court from any decision or order of the State Commission.
- (3) Every appeal under this section shall be preferred within sixty days from the date of communication of the decision or order of the State Commission to the person aggrieved by the said decision or order:

Provided that High Court may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the aggrieved person had sufficient cause for not preferring the appeal within the said period of sixty days.

- Determination of rates of user charges by Steat Commission.
243. (1) Notwithstanding anything contained in any other law for the time being in force, the rates of user charges referred to in section 238 shall be determined by the State Commission in accordance with the provisions of this Act and the rules and the regulations made thereunder.
- (2) The State Commission shall determine by regulations separately for each Municipality the terms and conditions of, and the rates for, user charges as aforesaid and, in doing so, shall be guided by the following considerations, namely:-
- (a) that the rates progressively reflect the cost of supply of municipal services at an adequate and improving level of efficiency,
 - (b) the factors which would encourage efficiency, economical use of resources, good performance, optimum investments and other matters which the State Commission may consider appropriate;
 - (c) that the interest of the consumers of the municipal services are safeguarded and, at the same time, the consumers pay for availing of the municipal services in a reasonable manner based on the average cost of such services; and
 - (d) the production, distribution, and supply of municipal civic services are conducted on commercial basis.
- (3) The State Commission, while determining the user charges under this Act, shall not have any undue preference for any Municipality but may differentiate between different Municipalities, having regard to the population, density of population, revenue generation, economic importance and the actual conditions obtaining in different municipal areas and the managerial, technical, financial and organizational capacities of different Municipalities.
- (4) If the State Government requires the grant of any subsidy to any consumer or class of consumers of municipal services in the rates of user charges determined by the State Commission under this section, the State Government shall pay the amount to compensate the Municipality or any other agency affected by the grant of such subsidy in such manner as the State Commission may direct as a condition for implementation of the subsidy provided by the State Government.
- (5) Where the State Commission departs from any of the considerations specified in subsection (2), it shall record the reasons in writing for such departure.
- Budget of State commission.
244. The State Commission shall prepare, in such Form, and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the state Commission, and forward the budget to the State Government.
- Accounts and audit of the State Commission.
245. (1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such Form as may be determined by the State Government in consultation with the comptroller and Auditor- General of India.
- (2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be determined by him, and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

- (4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before State Legislature.
246. (1) The State Commission shall prepare every year in such Form, and within such time, as may be prescribed; an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government. Annual report of the State Commission.
- (2) A copy of the annual report received under sub-section (1) shall be laid, as soon as may be after it is received, before the State Legislature.
247. The State Commission shall ensure transparency while exercising the powers and discharging the functions under this Act. Transparency in State commission.
248. (1) In the discharge of its functions, the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing. Directions by State Government.
- (2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final.
249. All proceedings before the State Commission shall be deemed to be judicial proceedings within 45 of the meaning of section 193 and section 228 of the Indian Penal Code and the State Commission 1860 shall be deemed to be a Civil Court for the purposes of section 345 and section 346 of the Code 2 of 1974 of Criminal Procedure, 1973. Proceedings before State Commission.
250. No suit, prosecution or other legal proceeding shall lie against the State Government or the State Commission or any officer of the State Commission for anything which is in good faith done or intended to be done under this chapter or the rules or the regulations made thereunder. Protection of action taken in good faith.
251. Whoever fails to comply with any order or direction given under this chapter within such time as may be specified in the said order or direction or contravenes, or attempts to contravene, or abets the contravention of, any of the provisions of this chapter or any rules or regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to twenty-five thousand rupees, or with both, in respect of each such offence, and, in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first such offence. Punishment for non-compliance of orders or directions under this Act.
252. (1) In case any complaint is filed before the State Commission by any person or if the State Commission is satisfied that any person has contravened any directions issued by the State Commission under this chapter, or the rules or the regulations made thereunder, the State Commission may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that without prejudice to any other penalty to which he may be liable under this chapter, such person shall pay, by way of penalty, a fine which shall not exceed twenty-five thousand rupees for each such contravention and, in the case of a continuing continues after first such contravention. Punishment for non-compliance of directions given by State Commission.
- (2) Any amount payable under this section, if not paid, may be recovered as an arrear of land revenue.
253. The State Commission or any officer, not below the rank of a Gazetted Officer, specially authorized in this behalf by the State Commission may enter any building or place where the State Commission has reason to believe that any document relating to the subject-matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom, subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable. Power of seizure.

- Cognizance of offences. 254. No Court shall take cognizance of an offence punishable under this chapter except upon a complaint, in writing, made by the State Commission or by any officer duly authorized by the State Commission in this behalf.
- Inconsistency in laws. 255. Nothing in this chapter or any rule or regulation made thereunder or any instrument having effect by virtue of this chapter or the rule or the regulation made thereunder shall have effect in so far as it is inconsistent with any provisions of the Consumer Protection Act, 1986.
- Delegation. 256. The State Commission may, by general or special order in writing, delegate to any member, or any officer of the State Commission, or any other person, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this chapter, except the power to adjudicate disputes under clause (d) of sub-section 259, as it may deem necessary.
- Overriding effect. 257. Save as otherwise provided in section 255, the provisions of this chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
- Power of State Government to make rules. 258. (1) The State Government may, by notification, make rules to carry out the purposes of this chapter.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the salary, allowances and other terms and conditions of service of the chairperson and the other members under sub-section (2) of section 235;
 - (b) the Form and the manner in which, and the authority before whom, the oath of office and secrecy shall be subscribed under sub-section (4) of section 235;
 - (c) the Form in which, and the time at which, the State Commission shall prepare its budget under section 244;
 - (d) the Form in which the annual statement of accounts shall be prepared by the State Commission under sub-section (1) of section 245;
 - (e) the Form in which, and the time within which, the annual report shall be furnished under sub-section (1) of section 246;
 - (f) any other matter which may be, or is required to be, prescribed by rules.
- Power of State Commission to make regulations. 259. (1) The State Commission may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all any of the following matters, namely:-
- (a) the powers and the duties of the Secretary under sub-section (1) of section 237;
 - (b) the salary and allowances and the other terms and conditions of service of the Secretary and the other officers and other employees under sub-section (3) of section 237;
 - (c) the terms and conditions of appointment of consultants under sub-section (4) of section 237;
 - (d) the manner in which the rates of user charges shall be determined under section 243;
 - (e) any other matter which may be, or is required to be, provided by regulations.

Chapter-XXVII
Communication Systems
A. Public Streets

260. For the purposes of this Act,-

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

261. (1) Subjects to the provisions of chapter XXI, all public streets and parking areas in any municipal area including the soil, sub-soil, stones, other materials, side-drains, footpaths, pavements, sub-ways and over-bridges and all erections, implements and trees and other things provided therein, shall vest in the Municipality: Vesting of public street in Municipality.

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

- (2) The State Government may, subject to such terms and condition as it may determine, by notification-
- (a) transfer to any Municipality any public street or parking area belonging to it, or
- (b) take over from any Municipality any public street or parking area, or
- (c) transfer such public street or parking area, so taken over, to any authority under any law for the time being in force, or any other agency,

for a limited period for the purpose of proper maintenance and development of such public street or parking area by such Municipality or the State Government or such authority or agency, as the case may be.

- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall maintain a register, in such Form, and in such manner, as may be specified by regulations, and such register shall separately include a list of all public streets vested in the Municipal or in such authority or agency.
- (4) The Municipality may publish, in such From, and in such manner, as may be provided by regulations, the contents of such register for sale to the public.

262. (1) Subject to the provisions of section 10, the Municipality or any other agency, as the case may be, shall cause all public streets, parking areas, squares, sub-ways or over-bridges vested in it to be developed, maintained, controlled and regulated in accordance with the provisions of this Act and the regulations made thereunder. Functions of Municipality in respect of public streets etc.

(2) The Municipality or any other agency , as the case may be ,shall, from time to time, cause all public streets vested in it to be leveled, metalled, paved, chandelled, altered or repaired, and may widen extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and repair fences and guard- rails thereon for the safety of pedestrians.

- Power to make new public streets etc.
263. Subject to the provisions of section 10, the Municipality or any other agency, as the case may be, may, at any time,-
- (a) lay out and make new public streets, or
 - (b) construct bridges or sub-ways, or
 - (c) turn or divert any existing public street, or
 - (d) lay down and determine the position and direction of a street or streets in any part of the municipal area notwithstanding that no proposal for the erection of any building in its vicinity has been received, or
 - (e) declare any street, made and duly constructed under any scheme or any development or improvement scheme in pursuance of the provisions of any law for the time being in force, to be a public street, or
 - (f) declare any private street to be a public street.
- Minimum width of new public street.
264. No new public street made, or declared as such, under this chapter, shall be less than ten metres in width including the footpath:
- Provided that such width may be reduced by the Municipality in the case of a class 'C' municipal area or a transitional area, for reasons to be recorded in writing, but the width shall in no case be less than six meters.
- Acquisition of lands and buildings for public streets, public parking places and transportation terminals.
265. (1) The Municipality 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 making a new one or for enforcing the regular line of street,
 - (b) in relation to any land or any structure including building as aforesaid, such land or structure including building as the Municipality may think expedient, outside the regular line or projected regular line of the public street as aforesaid, and
 - (c) any land for the purpose of laying out, or making a public parking place.
- (2) Where any land or structure including building is required to be acquired under sub-section (1) and the Municipality is satisfied that the remaining portion of the land will not be suitable or fit for any beneficial use to the owner, it shall, at the request of the owner, proceed for the acquisition, in addition, of such remaining portion of the land which shall, on acquisition, vest in the Municipality.
- (3) Where any land or structure including building is required to be acquired under sub-section (1) or sub-section (2), the procedure for such acquisition as provided in this Act shall apply.
- Permanent closure of public street.
266. (1) The Municipality 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 Municipality shall, by notice published in such manner as may be provided by regulations, give an opportunity to the residents likely to be affected by such closure to make suggestions or objections, with respect to such closure, within one month from the date of publication of the said notice, and shall consider all such suggestions, or objections.
- (2) Whenever any public street or part thereof is permanently closed under sub-section (1), the site of such street or any portion thereof may be disposed of as land vested in the Municipality.

267. The Chief Municipal Executive officer/ Municipal Executive Officer may temporarily close the whole or any part of a public street to permit development and maintenance work, and may authorize such closure for other purposes for any period not exceeding fifteen days. Temporary closure of public street.
268. (1) The Municipal may close any portion of a public street and declare it as a parking area. Closure of public street for parking purposes and levy of parking fee.
 (2) Parking fees at different rates for different types of vehicles, in different areas, for different times of the day, and for different durations may be levied at such rates as may be determined by the Municipality by regulations from time to time.
269. (1) If any private street has been leveled, paved, metalled, flagged, channeled, sewer, drained, conserved, and lighted to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer, he may, or on the requisition of a majority of the owners of such private street, shall, declare such street to be a public street and, thereupon, the street shall vest in the Municipality. Rights of owners to require streets to be declared public.
 (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, at any time, by a notice fixed up in any street or part thereof, not maintainable by the Municipality, but which has already been leveled, paved, metalled, flagged, channeled, drained, sewer, 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 Municipality, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, put up in such street or part thereof, declare such street or part thereof, as the case may be, to be a public street vested in the Municipality.

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

270. The Municipality may, either on its own or through any other agency authorized by it in this behalf, as and when necessary, having regard to the abutting land uses and traffic flow patterns, implement traffic engineering schemes to ensure public safety, convenience and expenditure movement of traffic including pedestrian traffic. Traffic engineering schemes.
271. Subject to the provisions of section 10, the Municipality shall, either on its own or through any other agency authorized by it in this behalf, from time to time, cause various items of street furniture including fences, guard-rails, traffic lights signs, street markings, median strips, bus stops and any other item to be installed or done, and shall cause them to be maintained so as to ensure public safety and convenience and expeditious movement of traffic including pedestrian traffic. Street furniture and bus stops.

C. Street Lighting

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

Chapter-XXVIII**Market, Commercial Infrastructure and Slaughterhouses**

- Commercial Infrastructure. 273. Subject to the provisions of chapter-XXI, the Municipality may, either on its own or through any other agency authorized by it in this behalf, implement any scheme for construction, operation, maintenance and management of commercial infrastructure including district centers, neighborhood shopping centers, 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 slaughter houses. 274. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, provide and maintain in the municipal area such number of municipal markets, slaughterhouses or stockyards, as he thinks fit, together with stall, 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 Municipality may give in this behalf, the Chief Municipal Executive Officer/Municipal Executive Officer or any other agency, as the case may be, may, after giving a notice, close any municipal market or slaughterhouses or stockyard or any portion thereof on and from the date specified in the notice, and the premises occupied for any municipal market, slaughterhouses or stockyard or any portion thereof so closed may be disposed of as the property of the Municipality.
- Use of municipal markets. 275. (1) No person shall, without the general or special permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer, sell, or expose for sale, any animal or article in any municipal market within the municipal area.
(2) Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may, by or under the order of the Chief Municipal Executive Officer/ Municipal Executive Officer, be summarily removed from the market by a police-officer or any officer or other employee of the Municipality authorized by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf.
- Levy of stallage, rent and fee. 276. Subject to such regulations as may be made from time to time, the Chief Municipal Executive Officer/ Municipal Executive Officer, either on his own or through any other agency, as the case may be, may charge stallage, rent or fee for the occupation or use of facilities in a municipal market or a municipal slaughterhouses.

**URBAN ENVIRONMENTAL MANAGEMENT
COMMUNITY HEALTH AND PUBLIC SAFETY**

Chapter – XXIX**Local Agenda for Urban Environmental management**

- Duties of Municipality. 277. (1) Subject to the provision of section 10, and having regard to the linkages between urban economy, infrastructure, productivity, poverty and environmental health in the municipal area, the Municipality 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), the Municipality shall involve such professional agencies and community based organization, either in the public sector or in the private sector, as may be necessary, to –

- (a) carry out studies on vulnerability and risk assessment,
 - (b) enhance the capability of concerned municipal or other agencies through research and training activities for better management of environment,
 - (c) prepare environmental management strategy and action plan, and establish adequate institutional framework for its implementation, and
 - (d) provide and manage environmental infrastructure services.
278. (1) Subject to the provision of section 10 and without prejudice to the generally of the provisions of section 277, the Municipality 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 area
 - (j) area improvement and resettlement,
 - (k) promotion of urban agriculture and urban forestry
 - (l) development of parks, gardens and open spaces,
 - (m) promotion of community awareness on environmental education and
 - (n) such other matters as the Municipality may consider necessary.
- (2) The Municipal Executive Officer shall prepare and submit a report on the environmental status of the Municipal area at the time of submission of the budgets estimates.

Function in relation to urban environmental management and submission of report on environmental status of municipal area.

Chapter XXX

Environmental sanitation and community health

A. Duties and general powers

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

Duties of Municipality for environmental sanitation.

- (e) licensing of butchers and slaughterhouses and
(f) control of nuisances.
- Powers of the Chief Municipal Executive Officer/
Municipal Executive Officer.
280. Subject to such regulations as may be made in this behalf, the Chief Municipal Executive Officer/Municipal Executive Officer may, either on his own or through any other agency authorized by him in this behalf :-
- (a) cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof.
(b) require the owner or the occupier of any land or building or any part thereof.
(c) issue such order as he deems necessary for the improvement of any in-sanitary huts and sheds and untenanted premises which are likely to cause risk of diseases to the inmates thereof or to the inhabitants of the neighborhoods or are, for any reason, likely to endanger community health or safety,
(d) by notice, prohibit the owner or the occupier from the cause of any buildings, or any room in a building, which appears to him to be unfit for human habitations, as dwelling or
(e) direct the filling up of any well, pool, ditch, tank, pond, pit or undrained ground, cistern or reservoir of any waste or stagnant water, which appear to him to be, or likely to become, injurious to health or offensive to the neighborhood.
- Power to regulate Excavation.
281. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, by a general order, or by a special order affecting such portion of the municipal area as may be specified therein, prohibit-
- (a) the making of excavation for the purpose of taking earth therefrom or strong rubbish or offensive matter therein or
(b) the digging of cesspool, tanks, ponds, wells or pits, without his special permission.
- (2) No persons shall make any excavation referred to in clause (a), or dig any cesspool, tank, pond, well, or pit referred to in clause (b), of sub-section (1) in contravention of any such order.
(3) If any such excavation is made, or any such cesspool, tank, pond, well or pit is dug in contravention of the order under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the owner or the occupier of the land, on which such excavation is made or such cesspool, tank, pond, well or pit is dug, to fill it up with earth or other material approved by him.
- Power to require trees, hedges etc. to be trimmed.
282. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, if he thinks fit, by notice, in writing, require the owner or the occupier of any land in the municipal area on which trees, shrubs or hedges are growing to keep such tree, shrubs or hedge in a trim condition, and remove any such trees, shrubs and hedge, if it obstructs traffic on any street or poses a danger to public safety or overhangs any street causing inconvenience or danger to the passer-by.
(2) If it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that immediate action is necessary for public safety, he may, without notice as aforesaid cause such tree, shrub or hedge to be removed from the land and the expenses thereof shall be paid by the owner or the occupier of such land.
- B. Regulation of public bathing, washing etc.***
- Regulation of public bathing etc.
283. The Chief Municipal Executive Officer/ Municipal Executive Officer may, by order –
- (a) regulate the use by public of any river or other public place, whether vested in the Municipality or not, for bathing or washing,

- (b) prohibit the use by the public of any lake, tank, reservoir, fountain, cistern, duct, stand pipe, stream or well or any part of any river, whether vested in the Municipality or not, for bathing or washing
- (c) prohibit steeping in any tank, reservoir, stream, well or ditch of any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health,
- (d) Prohibit bathing in any lake tank, reservoir, fountain, cistern, duct, 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 Municipality or not, or drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture, or willfully do any act connected with any such trade or manufacture whereby such water is likely to be fouled or corrupted or
- (f) Prohibit by notice, the washing of clothes by washer-men in pursuance of their calling, except at such places as may be licensed for this purpose.

C. Public Conveniences

284. (1) The Municipality 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. Public latrine and urinals.
- (2) Such public latrines and urinals may be so constructed as to provide separate compartment for each sex.

D. General Provisions

285. No person shall - Prohibition of nuisances.
- (a) commit any nuisance in any public street or public place, or
 - (b) unauthorized affix upon any building, monument, post, well, fence, tree or other thing, any bill, notice or other document, or
 - (c) unauthorized deface, or write upon, or otherwise mark, any building, monument, post, wall, fence, tree or other thing or
 - (d) carry rubbish filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Municipal Executive Officer by notice or
 - (e) bury or cremate or otherwise dispose of any corpses at a place not licensed for the purpose or
 - (f) disturb public peace or order in violation of sound pollution control order, if any or
 - (g) cause pollution of air in violation of air pollution control order, if any or
 - (h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.
- (2) Where the Chief Municipal Executive Officer/Municipal Executive Officer is of the opinion that there is a nuisance on any land or building, he may, by notice, in writing, require the person by whose act, default or sufferance the nuisance arises or continues or all of the owners, lessees or occupier of such land or building to remove or abate the nuisance by taking such measure, in such manner, and within such period, as may be specified in the notice.
- (3) Where the Chief Municipal Executive Officer/Municipal Executive Officer is of the opinion that immediate removal of any nuisance continuing on any land or building in contravention of the provisions of this Act is necessary, he may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.

- Control of pollution. 286. 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 Municipality may function as a competent authority for the enforcement of such law.
- Power to require wells, tank etc. to be rendered safe. 287. Where in any Municipal area, any well, tank, reservoir, pool, depression or excavation or any bank or tree is, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, in a ruinous state for want of sufficient repairs, protection or enclosure and is a nuisance or is dangerous to passers-by, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the owner or the part-owner thereof, or failing any of them, the occupier thereof, to repair, protect or enclose it in such manner as he thinks necessary, and if in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, the danger is imminent, he shall forthwith take such steps as he thinks necessary to avert such danger.
- Quarrying, blasting, cutting timber or building operation. 288. 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 neighborhood.
- Power to stop improper use of land or building. 289. If, within any municipal 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 Chief Municipal Executive Officer/ Municipal Executive Officer may, after due enquiry, by notice, in writing, require the owner or the part owner or any person claiming to be the owner or the part owner of such land or building, or the lessee, or any person claiming to be the lessee thereof to –
 (i) secure, enclosed, cleanse or clear such land or building, or
 (ii) stop use of such land or building for gambling or immoral purpose or
 (iii) abate the nuisance
 Within such time as may be specified in the notice, and affix a copy of such notice on the door of the building or on some conspicuous part of the land, as the case may be.
- Polluters to pay. 290. The Municipality 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 XXXI

Restraint of infection

- Municipality to prevent and check 291. (1) It shall be the duty of the Municipality to take such measures as are necessary for preventing, or checking the spread of any dangerous diseases in the municipal area or of any epidemic disease among any animals therein

- (2) Any persons, whether as a medical practitioner or otherwise, being in charge of or in attendance upon, any other person whom he knows or has reason to believe to be suffering from a dangerous diseases, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information respecting the existence of such disease to the Chief Municipal Executive Officer/Municipal Executive Officer. dangerous diseases.
292. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, at any time, by day or by night, and with or without notice, inspect any place in which any dangerous diseases is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such diseases beyond 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 in the district. Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to inspect any place and take measures to prevent spread of dangerous diseases.
- (2) When any person suffering from any dangerous disease is found to be :-
- (a) without proper lodging or accommodation or
 - (b) living in a room or house which he neither owns nor pay rent for , nor occupies as a guest or relative of the person who owns, or pay rend for such room or house, or
 - (c) living in a *sarai*, hotel, boarding-house, or hotel or
 - (d) lodged in premises occupied by members of two or more families
- The Chief Municipal Executive Officer/Municipal Executive Officer or any person authorized by him in this behalf may, on the advice of any Medical Officer, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment and may do anything necessary for such removal.
293. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may cleanse, or disinfect, or cause destruction of, any building, hut or shed, water source or lodging and eating house, if in his opinion, such cleansing, disinfection or destruction would tend to prevent or check the spread of any dangerous disease, and in case of emergency, he may cause such cleansing, or disinfection to be done by the employees of the Municipality at the cost of the owner or the occupier of such place, or at the cost of the Municipality, if in his opinion, such owner or the occupier is unable to pay the cost owing to poverty. Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to cleanse, disinfect, destroy, or control places of infection.
- (2) Where the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that the destruction of any building, hut or shed, or clothing, or article is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may cause such building, hut or shed, or clothing, or article to be destroyed :
- Provided that compensation may be paid by the Chief Municipal Executive Officer/ Municipal Executive Officer to any person who loss substantially by the destruction of such building, hut or shed, or clothing or article.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may, on being satisfied that it is in the public interest so to do, by order, in writing, direct that any lodging house or any place in the municipal area where articles of food and drink are sold, or prepared, stored or exposed for sale, being a lodging house or place in which a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order :

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

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

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

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

294. (1) In the event of any municipal area or any part 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 Chief Municipal Executive Officer/ Municipal Executive Officer may, if he think that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose of preventing the outbreak of such disease, with the previous approval of the Municipality :
 - (a) take such special measures and
 - (b) by notice, give such directions to be observed by the public or by any class or section of the public as he thinks necessary to prevent the outbreak of such disease :

Provided that where, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, immediate action is necessary, he may take such action without such approval and, if he does so, he shall forthwith report such action to the Municipality.

- (2) Any person, who commits a breach of any direction given in the notice under clause (b) of sub-section (1) shall be deemed to have committed as offence under section 188 of the Indian Panel Code (45 of 1860).

Means for disinfection.

295. (1) The Municipality may, in its discretion, or shall, when the State Government so direct :
 - (a) provide proper places within the municipal area with necessary attendants and apparatus for disinfection of conveyances, clothing, beddings, or other articles which have been exposed to infection, and

- (b) cause conveyances, clothing, beddings or other articles brought for disinfection, to be disinfected, either free of charge or on payment of such charges as it may fix.
 - (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may notify places at which such conveyances, clothing, beddings or other articles, which have been exposed to infection, shall be washed and if he does, so no person shall wash any such conveyances, clothing, beddings or other articles at any place, not so notified, without previous disinfection.
 - (3) The Chief Municipal Executive Officer/Municipal Executive Officer may direct the destruction of any clothing, bedding, or other article likely to retain infections and may give such compensation as he thinks fit for any clothing, bedding or other article, so destroyed.
296. (1) Subject to such regulation as may be made in this behalf, the Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous diseases or dead bodies of persons who died of any such disease. Special conveyance for carrying infected persons.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, either on his own or through any other agency, provide for disinfection of any public conveyance, which has carried any person suffering from a dangerous disease, or the corpses of a person who died of any such disease.
297. Subject to such regulation as may be made in this behalf, the Chief Municipal Executive Officer/ Municipal Executive Officer may prohibit : Prohibitions.
- (a) the letting out of any infected building without being first disinfected
 - (b) the disposal of infected articles without disinfection,
 - (c) the washing of any infected clothes by any washer man or laundry and
 - (d) the making and selling of food, or washing of cloths, by infected person.

Chapter XXXII
Disposal of the dead

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

- (e) place or leave, during its conveyance, a corpse or part of a corpse, on or near any street without urgent necessity.
 - (f) bury, or caused to be buried, any corpse or part of a corpse in the grave or vault or otherwise in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse, to be at a depth of less than two meters from the surface of the ground.
 - (g) built, dig or cause to be built or dug, any grave or vault in any burial ground at a distance of less than one-half of a meter from the margin of any other grave or vault,
 - (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line, not marked out for such purpose by or under the order of the Chief Municipal Executive Officer/ Municipal Executive Officer,
 - (i) reopen for the interment of a corpse or of any part of corpse a grave or vault already occupied, without the written permission of the Chief Municipal Executive Officer/ Municipal Executive Officer,
 - (j) make, without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship.
 - (k) make without permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, any interment or otherwise dispose of any corpse in any place which is closed under section 300,
 - (l) build, dig or causing to be built or dug, any grave or vault, or in any way, dispose of, or suffer or permit to be disposed of, any corpse at any place, which is not permitted under this chapter, without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer,
 - (m) exhume without the permission of the Chief Municipal Executive Officer/ Municipal Executive Officer, any body from any place for the disposal of the dead except under the provision of the Code of Criminal Procedure, 1973, (2 of 1974) or any other law for the time being in force.
- (2) The Chief Municipal Executive Officer/Municipal Executive Officer may, in special cases, grant permission for any of the purpose referred to in clauses (j) to (m) of sub-section (1), subject to such general or special order as the State Government may, from time to time make in this behalf.
- (3) Any contravention of the provision of clauses (j) to (m) of sub-section (1) shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973.

Registration of places for disposal of the dead.

299. (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 Municipality or any Board appointed by the State Government for administration of such place, shall submit to the Chief Municipal Executive Officer/ Municipal Executive Officer an application for registration of such place, containing such particulars as may be specified by the Municipality within a period of three months from the date of commencement of this Act.
- (2) If the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied with the application and the particulars under sub-section (1), he may register such place on such terms and conditions as may be provided by regulations.

- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may, with the approval of the Empowered Standing Committee, provide suitable and convenient place for the disposal of the dead within the municipal area, subject to the provisions of any State law regulating such land use or, in the absence of any provisions of any State law in this behalf in the municipal area, with the approval of the State Government.
- (4) No place which has not previously been lawfully used or 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 area, with the approval of State Government.
300. Where the Chief Municipal Executive Officer/ Municipal Executive Officer 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 neighborhood 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. Power to require closing of burning and burial ground etc.
301. (1) Whenever any animal, which is under the charge of any person dies such person shall within twenty four hours of such death, either: Disposal of dead animals.
- (a) convey the carcass to a place provided or appointed under this Act for the final disposal of carcasses of dead animals, or
- (b) give notice of the death to the Municipal Executive Officer whereupon he shall cause the carcass to be disposed of.
- (2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may charge such fee as may be determined by the Municipality by regulations.
- (3) Where any dead animal does not belong to any person, the Chief Municipal Executive Officer/ Municipal Executive Officer shall act immediately for causing the carcass to be disposed of.

Chapter XXXIII

Urban Forestry, Parks, Gardens, Trees and Playgrounds.

302. (1) The Municipality shall take necessary steps for : Municipality to implement schemes.
- (a) Promotion of urban forestry.
- (b) Creation of public parks and gardens and planting of trees.
- (c) Provision of park and playgrounds for children and youth.
- (d) Provision of street-side gardens.
- (e) Encouragement of nurseries, and
- (f) Organization of flowers shows.
- (2) The Municipality may from time to time take steps to promote awareness about the national heritage of flora and fauna among the school children and the youth.

- (3) The municipality may from time to time take steps to promote harvesting of rain water in public parks, gardens and other open space under its administrative control and may also undertake campaign to promote public awareness for conservation of rain water.

REGULATORY JURISDICTION

Chapter XXXIV

Development Plans

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| Representation in District Planning Committee or Metropolitan Planning Committee. | 303. | Having regard to the provision of articles 243ZD and article 243ZE of the Constitution of India and of any State law enacted under these articles a Municipality shall participate in the election of members of the District Planning Committee or the Metropolitan Planning Committee, as the case may be and such members shall actively represent the interests of the Municipality in such committees. |
| Municipality to implement development plans. | 304. | (1) Having regard to the draft development plan, as prepared by the District Planning Committee or the Metropolitan Planning Committee, as the case may be and as approved by the State Government, the Municipality shall implement such components of such development plan as relates to its jurisdiction and carry out such function as may be assigned to it in this behalf. |
| | | (2) Without prejudice to the generality of the foregoing provisions of this section and subject to the provisions of section 10, the Municipality shall undertake : |
| | | (a) Preparation of plans for improvement under chapter XXXV and |
| | | (b) Plans for infrastructure development including water supply, drainage and sewerage, solid waste management, roads and transport system accessories. |

Chapter XXXV

Improvement

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|---------------------------------|------|--|
| Removal of congested buildings. | 305. | (1) If it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that any block of building is in an unhealthy condition by reason of the manner in which the building are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleansing the buildings or by reasons of any other cause to be specified in writing, he shall cause block of buildings to be inspected by the Chief Municipal Health Officer and the Chief Municipal Architect and Engineer , who shall consult the owners and the occupier of such block of buildings and the owners and the occupier of other building affected by the unhealthy condition and shall thereafter make a report in writing to him regarding the sanitary condition of such block of buildings. |
| | | (2) If, upon receipt of the report under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer considers that the sanitary condition of such block of building is likely to cause risk of disease to the inhabitants of the building or the neighborhood or otherwise to endanger the community health, he shall with the approval of the Empowered Standing Committee, select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of such block of building and may thereupon by notice, in writing, require the owners of such buildings to remove them within such period as may be specified in the notice : |

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

Provided further that the Chief Municipal Executive Officer/ Municipal Executive Officer shall for the removal of any such building, which may have been erected lawfully, pay compensation to the owner for any such building.

- (3) If the notice under sub-section (2) requiring any owner of a building to remove sub building is not complied with then after the expiration of the period specified in the notice, the Chief Municipal Executive Officer/ Municipal Executive Officer may himself remove the building and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.
306. (1) If upon information in his possession, the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that any building is in any respect 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. Power to require improvement of building unfit for human habitation.
- (2) In addition to the notice served on the owner of the building under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may also serve a copy of the notice on any other person having an interest in the building, whether as a lessee or as a mortgagee or otherwise.
- (3) In determining whether a 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 will have on completion of the works.
- (4) If the notice under sub-section (1) requiring the owner of the building to execute the work of improvement is not complied with, then on the expiration of the period specified in the notice, the Chief Municipal Executive Officer/ Municipal Executive Officer may himself do the works required to be done by the notice and recover the expense incurred in connection therewith as an arrear of tax under this Act.
307. (1) Where, upon information in his possession, the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that any building is 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. Power to order demolition of building unfit for human habitation.
- (2) If the owner of the building, or other person upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the Chief Municipal Executive Officer/ Municipal Executive Officer and gives an undertaking that he shall, within a period specified by the Chief Municipal Executive Officer/ Municipal Executive Officer, execute such works of improvement in relation to the building as will, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, render the building fit for human habitation or that the building shall not be used for human habitation until the Chief Municipal Executive Officer/ Municipal Executive Officer on being satisfied that it has been rendered fit for such habitation, cancels the undertaking, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not make an order of demolition of the building.

- (3) If no such undertaking as is referred to in sub-section (2) is given, or if, in a case where any such undertaking has been given, the works of improvement to which the undertaking relates are not carried out within the specified period or the building is used in contravention of the undertakings, the Chief Municipal Executive Officer/ Municipal Executive Officer shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order, not being less than thirty days from the date of the order, and demolished within six weeks on the expiration of that period.
- (4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein shall demolish such building within the period specified in the order and if such building is not demolished the building, the Municipal Executive Officer shall sell the materials thereof.
- (5) Any expenses incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer for carrying out the purpose of sub-section (4), which cannot be met out of the proceeds of the sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.
- (6) In determining, for the purpose of this section and section 306, whether a building is unfit for human habitation, regard shall be had to its condition in respect of the matters, such as :
- (a) Repairs,
 - (b) stability,
 - (c) freedom from damp,
 - (d) natural light and air,
 - (e) water supply,
 - (f) drainage and sanitary convenience and
 - (g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter.
- and the building shall be deemed to be fit for human habitation only, if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for occupation in that condition.
- (7) For the purpose of this section and section 306 “works of improvement” in relation to a building shall include any one or more of the following :
- (a) necessary repairs,
 - (b) structural alterations,
 - (c) provision of light points and water taps,
 - (d) construction of drains, open or covered,
 - (e) provision of latrines and urinals
 - (f) provision of additional or improvement fixtures and fittings,
 - (g) opening up or paving of courtyard,
 - (h) removal of rubbish, filth and other polluted and obnoxious matter and,

- (i) any other work including the demolition of any building or any part thereof which, in the opinion of the Municipal Executive Officer, is necessary for executing any of the works as aforesaid.
- (8) The provisions of this section and section 305 and section 306 shall not apply in relation to any building in any area which has been declared to be a slum area under any State law relating to improvement or clearance of slums.
308. If the Municipality, upon information in its possession in respect of any built-up area within the municipal area, is satisfied that :
- Area improve-
ment scheme.
- (a) the building in that area are, by reason of disrepair or sanitary defects, unfit for human habitation or are by reason of their bad arrangement or narrowness or bad arrangement of the streets or wants of light air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of that area or,
 - (b) because of bad layout or obsolete or undesirable dwellings, renewal of such area is necessary or,
 - (c) there is need to create new or improvement means of communication and facilities for traffic,
- and that the most satisfactory methods of remedying these defects is to prepare an area improvement scheme in respect of such area, the Municipality may pass a resolution so to do.
- Explanation :-** For the purpose of this section and section 309, the expression “built-up area” shall mean an area which in the opinion of the Empowered Standing Committee is densely built-up.
309. An area improvement scheme may provide for all or any of the following matters, namely :
- Matters to be
provided in
area
improvement
scheme.
- (a) laying out, or relaying out, land, either vacant or already built upon,
 - (b) filling up, or reclamation, of low lying swampy or unhealthy areas or leveling up of land,
 - (c) redistribution of sites belonging to owners of property comprised in the scheme,
 - (d) reconstitution of plots,
 - (e) construction or reconstruction of buildings,
 - (f) restriction on the erection or re-erection of any building or any class of buildings,
 - (g) imposition of conditions and restriction in regard to the open spaces to be maintained around any building, percentage of built-up area for a plot, number, height and character of buildings allowed in specified areas, sub-division of plots, discontinuance of objectionable uses of land or building in any area for specified periods, parking spaces and loading and unloading spaces for any building and advertisement signs,
 - (h) closure or demolition of buildings or portion of buildings unfit for human habitations,
 - (i) demolition of obstructive buildings or portions thereof,
 - (j) laying out of new streets or roads and construction, diversion, extension, alteration, improvement and closing up of streets or roads and other means of communication,
 - (k) regular line of street and prohibition of buildings within the regular line of streets,

- (l) construction, alteration and removal of bridges and other structures,
 - (m) provision for traffic engineering schemes, street lighting, street furniture and other convenience,
 - (n) provision for water supply, sewerage, surface or sub-soil drainage and sewage disposal,
 - (o) provision for open spaces,
 - (p) Preservation and protection of objects of historical importance or of national interest or of natural beauty and of buildings actually used for religious purpose and
 - (q) any other matter not inconsistent with the provisions of this Act and for which, in the opinion of the Municipality, it is expedient to make provision with a view to improving the area to which the scheme relates.
- Submission of area improvement scheme to Municipality and State Government.
310. (1) Every area improvement scheme shall, as soon as may be after it has been prepared, be submitted for approval by the Chief Municipal Executive Officer/ Municipal Executive Officer to the Municipality which may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with direction to the Chief Municipal Executive Officer/ Municipal Executive Officer to have a fresh scheme prepared according to such directions.
- (2) No area improvement scheme approved by the Municipality under sub-section (1) which involves acquisition of land and provision of funding support from the State Government, shall be valid unless it has been approved by the State Government,
- Re-housing scheme.
311. While preparing an improvement scheme under this chapter for any area the Chief Municipal Executive Officer/ Municipal Executive Officer may also prepare a scheme (hereinafter referred to in this Act as Re-housing scheme) for the construction, maintenance and management of such buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the area improvement scheme.
- Area improvement scheme and re-housing scheme to comply with structure plan.
312. No area improvement scheme or re-housing scheme prepared under this chapter shall be valid unless such scheme is in conformity with the provisions of the structure plan, if any for the Municipal area.
- Explanation:** - "Structure Plan" shall mean a plan which provides a broad strategic framework for preparation of subsequent local plans and takes into consideration the regional context, the transportation linkages and the issues relating to employment, shelter and environment.
- Execution of area improvement scheme.
313. Any area improvement scheme prepared under this chapter may be executed by the Municipality itself or by such person or authority as the Empowered Standing Committee may select under chapter XXI.
- Power to acquire land and building for area improvement scheme.
314. Subject to the provision of this Act, the Municipality may require acquisition of any land or building, whether situated in the municipal area or not, for the purpose of :
- (i) opening out any congested or unhealthy area or otherwise improving any portion of municipal area, or
 - (ii) erecting sanitary dwellings for working and poor people or
 - (iii) executing any development plan or scheme for the benefit of persons residing in the municipal area.

315. The Municipality may define the external limits of any slum and may, from time to time, alters such limits. Power of Municipality to define and to alter limits of slum.
316. (1) Notwithstanding anything contained in any other law for the time being in force, the Municipality may with the approval of the State Government prepared such improvement scheme for the purpose of effecting environmental or general improvement of slums as it may consider necessary and publish a copy of such scheme in such manner as may be prescribed. Slum improvement scheme.
- (2) The slum improvement scheme may provide for all or any of the following matters :-
- (a) water supply including sinking of tube wells, laying of water pipelines, installation of overhead reservoirs and flushing arrangement for privies and urinals,
 - (b) drainage and sewerage including connections with any existing channel or sewer main or laying or diverting of drains,
 - (c) Conversion of service privies into septic tank privies or water borne privies connected with sewer mains,
 - (d) Sewerage and garbage removal,
 - (e) Raising, lowering or leveling of land and improvement of pathways and passages,
 - (f) Lighting including laying of cables or overhead lines,
 - (g) Improvement of huts or other structure and
 - (h) Such other matters as may be considered necessary for carrying out the purposes of this chapter.
- (3) While approving any slum improvement scheme, the State Government shall take into account the activities of other agencies or authorities affecting all or any of the matters referred to in sub-section (2).
317. (1) If, at any time, it becomes necessary to acquire the right of user in any land in or around any slum for the purpose of implementing any improvement scheme in respect of such slum, the State Government may, on the recommendation of the Municipality in this behalf declare, by notification, its intention to acquire such right and inviting suggestion or objections from persons likely to be affected thereby within such time as may be specified in the notification. Acquisition of right of user.
- (2) Every suggestion or objection received under sub-section (1) shall be heard by the Chief Municipal Executive Officer/ Municipal Executive Officer after giving an opportunity to all persons affected to make personal representation, if any.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall submit a report to the Empowered Standing Committee after the hearing under sub-section (2) and after making such enquiry in this behalf as he may consider necessary.
- (4) After considering the views of the Empowered Standing Committee, the State Government may, by notification declare that the right of user in such land which shall be acquired.
- (5) With effect from the date of publication of the notification under sub-section (4), the right of user in such land shall vest in the Municipality free from all encumbrances.

Work to be executed in slum.

318. Notwithstanding anything contained in the foregoing provisions of this chapter, the Municipal Executive Officer may, for reasons of environmental sanitation cause the following works to be executed in any slum :
- (a) sinking of tube-wells inside a slum including laying of water-pipes lines, installation of overhead reservoirs and other appurtenances necessary to maintain flushing arrangements of privies and sewers,
 - (b) laying of drains or diversion of existing drains,
 - (c) conversion of service privies into connected privies or septic tanks,
 - (d) removal of silt from sewers and sludge from septic tanks inside a slum,
 - (e) removal of solid or liquid wastes from slums including cleansing of the deck or squatting platform of the connected privies or septic tanks,
 - (f) laying of internal roads,
 - (g) provision of street lighting and
 - (h) repair work relating to any of the works referred to in clauses (a) to (e).

Chapter XXXVI

Public streets

A. General Powers

Municipal Streets Technical Committee.

319. (1) The Municipality shall constitute a Municipal Streets Technical Committee with the following elected members, namely :
- (a) in the case of a Class "A" Municipal Council, five Councillors to be elected by the Municipal Council and
 - (b) in the case of a Class "B" or Class "C" Municipal Council or a Nagar Panchayat, three Councillors to be elected by the Class "B" or Class "C" Municipal Council or the Nagar Panchayat as the case may be.
- (2) In addition to the members mentioned in sub-section (1), the Municipal Street Technical Committee shall have six other members namely :
- (a) The Chief Municipal Executive Officer/ Municipal Executive Officer who shall be the convenor of the Committee,
 - (b) The Municipal Engineer,
 - (c) The Municipal Architect,
 - (d) A police officer, not below the rank of an Inspector or Police to be nominated by the Superintendent of Police of the District concerned and
 - (e) Two officers having responsibility for fire service and preparation of development plans (ie Town Planner) for the municipal area to be nominated by the State Government either from amongst the officers of the Municipality or from the officers of the concerned State Government Departments or any authority under any law for the time being in force.

- (3) The term of the Municipal Streets Technical Committee shall be such as may be specified by the Chief Councillor and a new Municipal Streets Technical Committee shall be constituted before the expiry of the term of the existing Municipal Streets Technical Committee.
- (4) The Municipal Streets Technical Committee shall meet at least once in a month.
- (5) The Municipal Streets Technical Committee shall in order to secure the expeditious, convenient and safe movement of traffic, including pedestrian traffic and suitable and adequate parking facilities on and off the public streets and having regard to :
 - (a) the desirability of securing and maintaining reasonable access to premises,
 - (b) the effect on the amenities of any locality affected and
 - (c) any other relevant matter referred to it by the Municipality.

aid, advise and assist the Municipality in the following matters namely :-

- (i) classification of public streets and specification of width thereof,
 - (ii) prescription of regular line of street,
 - (iii) regulation of abutting land uses,
 - (iv) regulation of traffic,
 - (v) designation of on-street parking areas
 - (vi) allocation of rights of way for underground utilities
 - (vii) placement of street furniture,
 - (viii) placement of authorized fixtures on streets such as electric and telegraph poles, post-boxes, telephone junction boxes, sheds for buses and milk booths,
 - (ix) opening of new public streets,
 - (x) permanent or temporary closure of existing public streets,
 - (xi) declaring private streets as public streets and
 - (xii) any other matter that may be referred to it by the Municipality.
- (6) The Municipal Streets Technical Committee shall make recommendation to the Municipality on any matter in conformity with the structure plan, or a scheme under section 308 or section 311 as the case may be or any other development and improvement scheme prepared by any competent authority under any law for the time being in force, and shall take into account such plans, proposals, surveys, studies and supporting technical data on such matter as might be in the possession of the Municipality or any planning or development authority or any Department of the State Government or any such competent authority.

Explanation :- “Structure Plan” shall have the same meaning as in the Explanation below section 312.

- (7) Municipal Streets Technical Committee may call for any record, document, map or data from the Municipality or any planning or development authority of any Department of the State Government or any other authority under any State law for the time being in force, and thereupon, it shall be the duty of such Department or authority to comply with such requisition.

- (8) The Municipality shall consider the recommendation of the Municipal Streets Technical Committee and take such decision thereon as it think fit after taking into account plans, proposals, survey, studies and supporting technical data, if any, referred to in sub-section (6).
- (9) If any doubt arises as to whether the decision under sub-section (8) is in conflict with any plan, scheme or Programme of any competent authority under any law for the time being in force, the matter shall be referred to the State Government whose decision thereon shall be final.

Classification of public streets.

320. (1) Subject to the provision of section 10, the Empowered Standing Committee shall classify all public streets in the municipal area in the following categories :-
- (a) Category –I - arterial roads.
 - (b) Category-II – sub-arterial roads.
 - (c) Category-III- collector roads,
 - (d) Category-IV – local roads and,
 - (e) Category –V- pedestrian pathways.

- (2) The classification shall be done with due regard to the traffic rule of the particular public street and the nature and volume of traffic on it, its existing width and abutting land uses :

Provided that the different names of public streets, which constitute essential parts of a continuous traffic corridor shall not come in the way of their inclusion in any particular category.

- (3) The Empowered Standing Committee shall from time to time specify the minimum widths of different categories of public streets with regard to the existing widths of such streets as may be included in such categories :

Provided that the minimum width of any public street included in category I or category II or category III or category IV shall be not less than ten meters including the adjoining footpath, if any and that of a public street included in category V shall be not less than six meters :

Provided further that such minimum widths may be revised by the Empowered Standing Committee from time to time.

- (4) The classification of the public streets in different categories may be revised from time to time.

Compulsory provision of footpaths.

321. (1) The Municipality shall ensure within a reasonable time and subject to the availability of resources, that all public streets under category I , Category II and Category III have raised footpath adjoining such public streets.
- (2) Notwithstanding the existing situation the Empowered Standing Committee shall specify different minimum widths for footpaths which are adjacent to the public streets under Category I, Category II or Category III so as to be not less than one and a half meters on each side in any case :

Provided that more than one minimum width may be specified for the foot path abutting each category of public streets so as to provide for different requirements owing to different abutting land uses:

Provided further that while prescribing or revising any regular line of a public street, it shall be stipulated that the specification of minimum width for footpaths shall be complied with.

- (3) The minimum widths referred to in sub-section (2) may be revised by the Empowered Standing Committee.
322. (1) The Municipality shall –
- Naming and numbering of streets.
- (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 streets or some convenient part of such street, the name or number by which it shall be known, and
- (c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Municipality.
- (2) The Municipality may 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 Municipality.
323. (1) Municipality shall, when so required by the State Government, assign a unique premises number to every premises or part thereof in the municipal area and shall cause to be maintained a register wherein such unique premises number shall be recorded in respect of each such premises. Unique premises number.
- Explanation** :- In this section, the expression “unique premises number” shall mean a number assigned to the premises or part thereof by the Municipality in the following manner, namely :-
- (a) the first three digit indicating the ward number,
- (b) the next three digit indicating the street number,
- (c) the next four digit indicating the premises number,
- (d) the next three digit indicating the sub-premises number,
- (e) the next one digit indicating the code of the building use, such as residential, commercial, industrial or other use, and
- (f) the last one digit indicating the code of type of construction.
- (2) When the unique premises number in respect of premises in any ward of the Municipality have been determined, the Chief Municipal Executive Officer/ Municipal Executive Officer shall notify such unique premises number in such manner as may be prescribed.
- (3) When, after the unique premises numbers in respect of premises in any ward have been notified under sub-section (2), any person is required under this Act or any other State law to make any application to the Municipality for any permission or license or for payment of any tax, or for payment of any dues for any service or for such other purposes as may be prescribed, the person making the application shall mention in the application the unique premises number assigned under sub-section (1).

Rights of way for underground utilities.

324. Subject to the provisions of the Indian Telegraph Act 1885 (13 of 1885), the Indian Electricity Act, 1910 (9 of 1910) and such other laws as may be notified by the State Government for the purposes of this section, the State Government may, by rules provide for the following namely :-

- (a) the sanction by the Municipality of specific rights of way in the sub-soil of public and private streets in any municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipe, water supply, drainage and sewerage, and underground rail system, pedestrian sub-ways, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto provided by the State Government or any statutory body or any licensee under any of the above mentioned Acts or other laws,
- (b) the levy of any fee or charge under any of the Acts or other laws as foresaid,
- (c) the furnishing to the Municipality of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities in the municipal area,
- (d) the fixing of time limit for execution of work and imposing of such conditions in this respect as the Municipality may consider appropriate and
- (e) the imposing of penalty in case of delay in the completion of work.

Maps of underground utilities.

325. The Chief Municipal Executive Officer/ Municipal Executive Officer shall cause to be maintained complete survey maps, drawing and descriptions of all underground utilities in the municipal area and maps of fire hydrants and sewerage man – holes in such form and in such manner as may be provided by regulations and shall ensure the secrecy of the same in conformity with the provisions of any law relating to right to information.

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

326. (1) The Municipality 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 light and assistants and other general precautions and on payment of such charges as may be specified by the Municipality generally or specifically in each case,
 - (c) prohibit at all times or during any particular hours, entry of any vehicular traffic from or exit of such vehicular traffic into any premises from any particulars public street carrying such traffic.
- (2) Any notice under sub-section (1) shall, if such notice applies to any particulars public street, be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which such notice applied or if such notice applied generally to all public streets, be advertised.
- (3) Notwithstanding anything contained in sub-section (1), the Municipality may declare by notice in writing that any pedestrian pathway, or a portion thereof shall be used as bicycle and pedestrian track.

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

B. Regular line of Street

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

Defining regular line of street.

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

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

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

328. (1) If any part of a building on a public street is within the regular line of that street, the Municipality may, proposed whenever necessary:-

Setting back Building to Regular line of street.

- (a) to repair, rebuild or construct such building or to pull down such building to an extent, measured in cubic metre, exceeding one-half thereof above the ground level or,
- (b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building, which is within the regular line of the street,

by order, as respects the additions to, or rebuilding, construction, repair or alterations of, such building, to be set back to the regular line of such street.

- (2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by reason of any order of the Municipality or otherwise, pulled down, the Chief Municipal Executive Officer/ Municipal Executive Officer may forthwith take possession, on behalf of the Municipality, of the portion of the land within the regular line of the street thereto occupied by such building and, if necessary, clear the same.

- (3) Any land acquired under this section shall be deemed to be a part of the public street and shall vest in the Municipality.
- Compulsory setting back of building to regular line of street.
329. (1) Where any building or any part thereof is within the regular line of a public street and, in the opinion of the Municipality, it is necessary to set back such building or part thereof to the regular line of such street, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, by a notice served on the owner of such building in accordance with the provisions of this Act, require him to show cause, within such period as may be specified in the notice, as to why such building or part thereof, which is within the regular line of such street, should not be pulled down and the land within the regular line acquired by the Municipality.
- (2) If the owner fails to show cause as required under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may, with the approval of the Municipality, require the owner, by another notice to be served on him in such manner as 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.
- Setting forward of building to regular line of street.
330. The Municipality may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may require any building to be set forward in the case of reconstruction thereof or of a new construction.
- Explanation:-* For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building, and it shall be deemed to be a sufficient compliance with the permission or the requirement to set forward a building to the regular line of a street, if a wall of such materials and dimensions, as are approved by the Municipality, is erected along such line.
- Acquisition of open land and land occupied by platforms etc. within regular line of street.
331. If any land, whether open or enclosed, not vested in the Municipality and not occupied by any building, is within the regular line of a public street or if any platform, 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 Chief Municipal Executive Officer/ Municipal Executive Officer may, with the prior approval of the Municipality and after giving the owner of such land or building not less than seven clear days' notice of his intention so to do, take possession, on behalf of the Municipality, of such land with its enclosing wall, hedge or fence, if any, or of such platform, verandah, step, compound wall, hedge, fence or other structure of any portion thereof within the regular line of the public street, and, if necessary, clear the same, and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Municipality :
- Provided that where the land or the building is vested in the State Government or the Central Government or any agency thereof, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not take possession thereof without the previous sanction of the State Government or the Central Government, as the case may be.
- Acquisition of remaining part of building and land after their portions within regular line of street have been acquired.
332. (1) Where a land or building is partly within regular line of a public street and the Municipality 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 Municipality.
- (2) Such surplus land may, thereafter, be utilized for the purpose of setting forward a building under section 330 or for such other purpose as the Municipality may deem fit.

333. (1) A compensation shall be paid by the Municipality to the owner of any building or land acquired for a public street under the provisions of section 328, section 329, section 331, or section 332 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Municipality. Compensation to be paid in certain cases of setting back or setting forward of building etc.
- (2) If, in consequence of any order under section 330 to set forward a building, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Municipality for such loss or damage.
- (3) If the additional land, which will be included in the premises of any person required or permitted under sub-section (2) to set forward such building, belongs to the Municipality, the order or permission of the Municipality to set forward the building shall be a sufficient conveyance to the said owner of the said land, and the price to be paid to the Municipality by the said owner of such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.
- (4) If, when the Municipality requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Municipality or with any of the terms or conditions of conveyance, the Chief Municipal Executive Officer/ Municipal Executive Officer shall, upon the applications of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case to the court of the District Judge having jurisdiction for determination, and the decision of the said court thereon shall be final.

C. Obstruction on Streets

334. (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,- Special provision regarding streets belonging to Central or State Government.
- (a) the Municipality 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 Municipality shall exercise the powers conferred upon it by this Act or any regulations relating to such street.
- (2) In the case of roads vested in the State Government, and passing through the municipal area, the Municipality shall have control over such roads in so far as permission for temporary occupation thereof and removal of encroachments therefrom are concerned, but the maintenance of such roads shall remain with the State Government.
335. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer 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 Municipality by regulations, and for such period as may be mentioned in the letter of permission : Temporary erection on streets during festivals.
- Provided that no permission shall be given under this section without consultation with the Superintendent of Police of the district or any police officer within such period as may be mentioned in the letter of permission.
- (2) The person to whom such permission is granted shall fill in the ground and reinstate the same to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer within such period as may be mentioned in the letter of permission.

Precautions during construction or repair of street drain or premises.

336. Subject to the terms and conditions as may be specified by regulations, the Chief Municipal Executive Officer/ Municipal Executive Officer during construction or repair of any public street or any municipal drain or any premises vested in the Municipality, shall –
- (a) cause the same to be fenced and guarded,
 - (b) take proper precaution against accident affection 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 Neighborhood thereof, and recover the costs of such repair works from the owner or the occupier of any such place or premises.

Power of Municipality in relation to regulation of street.

337. Subject to such terms and conditions as may, from time to time, be specified by regulations, the Municipality 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.

Restoration of municipal properties by public utilities.

338. (1) Subject to such terms and conditions as may be prescribed, any public utility concern requiring the use of the sub-soil under any municipal street, drain, land or other property for the purpose of laying lines for such utility service such as electric supply or telecommunication, shall obtain permission of the Municipality for such use.
- (2) At the time of according such permission, the Municipality shall, in consultation with such public utility, arrive at the full cost of restoration of the sub-soil and the surface thereon and obtain an undertaking from the public utility that such restoration shall be done at their cost so as to bring back the property to its original condition to the satisfaction of the Municipality within a reasonable time after the completion of the work.

Chapter XXXVII

Buildings

A. Procedure

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

- (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, gymnasias, 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 stadium,
- (e) business buildings, that is to say, any building or part thereof used for transaction of business or for the keeping of accounts and records or for similar purposes and such buildings shall include offices, banks, professional establishments, court houses, and libraries for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as and office of for office purpose.
- (f) Mercantile buildings, that is to say any building or part thereof used as shops, stores or markets for display or sale 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 establishment engaged in truck transport (including truck transport booking agencies).
- (g) Industrial buildings, that is to say any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants and such buildings shall include laboratories, power plants, 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 building shall include cold storages, freight depots, transit sheds, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables,

- (i) Hazardous buildings, that is to say any building or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products, which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquid or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition :
- (3) “alteration” means the change from one occupancy to another or the structural change, such as the addition to any area or height or the removal of a part of building or the change to the structure such as the construction or cutting into or removal of any wall, partition, column, beams, joints, floor or other support of the change to or closing of any required means of ingress or egress or the change to any fixture or equipment ;
- (4) “plan” means a plan prepared by a surveyor or a draughtsman or an engineer holding a degree of Bachelor of Engineering or an Architect registered under the Architect Act, 1972 (20 of 1972).

Explanation :- For the purpose of classification of a building according to occupancy under clause (2),

- (a) an occupancy shall be deemed to included subsidiary occupancies which are contingent upon such occupancy, and
- (b) building with mixed occupancies shall mean those building in which more than one occupancy are present in different portions thereof.

340. No person shall erect, or commence to erect any building or execute any of the works specified in section 339 in any municipal area, in accordance with the provision of this Act and the regulation made thereunder in relation to such erection of building or execution of work, as the case may be : Prohibition of erection without sanction.

Provided that the erection of a residential building upto a height of three storeys, or with a height of eleven meters whichever is lower on a plot of land of three hundred square meter or less may be commenced and may be proceeded with if the building plan has been prepared by an architect registered under the Architect Act, 1972 (Act 2 of 1972) and authenticated by him certifying that the building plan for such erection conforms to the provision of this Act and the rules and the regulations made there under :

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

Provided also that if any deviation from the provisions of this Act or the rules or the regulations made there under or any material deviation from such plan is detected in erection of any such building, the Chief Municipal Executive Officer/ Municipal Executive Officer may take necessary action against such person in accordance with the provisions of this Act or the rules or the regulations made 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 Architect or the Council of Architecture against the architect who prepared the building plan and authenticated it by certifying that the building plan conforms to the provisions of this Act or the rules or the regulations made there under for such action as the Institution of Architects may deem fit :

Provided also that the Chief Municipal Executive Officer/ Municipal Executive Officer shall by order direct that no certification by such architect in respect of any building plan shall be accepted by the Municipality till a decision on the aforesaid report is received from the Institution of Architects or the Council of Architecture by the Chief Municipal Executive Officer/ Municipal Executive Officer:

Provided also that in a case where the Chief Municipal Executive Officer/ Municipal Executive Officer has sanctioned or provisionally sanctioned erection of any building above a height of fourteen meters, he shall cause publication of the fact of such sanction in such form and in such manner as may be prescribed, at the cost of the person in whose favour such sanction has been given.

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| Erection of building. | 341. (1) Subject to the provisions of section 340, every person who intends to erect a building shall apply for sanction by giving a notice, in writing of his intention to the Chief Municipal Executive Officer/ Municipal Executive Officer in such form and containing such information as may be prescribed. |
| | (2) Every such notice shall be accompanied by such documents and plans as may be prescribed. |
| Application for addition to or repair of building. | 342. (1) Subject to the provision of section 340, every person who intends to execute any of the works specified in sub-section (b) of clause (1) of section 339 shall apply to the Chief Municipal Executive Officer/ Municipal Executive Officer for sanction by giving a notice, in writing of his intension in such form and containing such information as may be prescribed. |
| | (2) Every such notice shall be accompanied by such documents and plans as may be prescribed. |
| Purpose for which building to be used and conditions of validity of notice. | 343. (1) Every person giving any notice of his intention to erect a building under section 431 shall specify the purpose for which such building is intended to be used : |
| | <p>Provided that for any building not more than one class of use consisted with the occupancy or the use group within the meaning of clause (2) of section 339, shall be considered except in respect of the case where under this Act or under any other law for the time being in force, mixed occupancies of specified nature may be permissible.</p> |
| | (2) Every person giving any notice under section 341 of his intention to execute any of the works specified in sub-clause (b) of clause (1) of section 339, shall specify whether the original purpose for which such work as intended to be executed, is proposed or is likely to be changed by such execution of work : |
| | <p>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> |
| | (3) No notice shall be valid until the information required under sub-section (1) or sub-section (2) and any other information and plans which may be required by regulations made under this Act have been furnished to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer along with the notice. |
| Sanction or provisional sanction of refusal of building or work. | 344. (1) Subject to the provision of section 340, the Chief Municipal Executive Officer/ Municipal Executive Officer shall sanction, or provisionally sanction the erection of a building of the execution of a work within the municipal area, unless such building or work would contravene any of the provision of sub-section (2) of this section or the provision of section 355 or section 357. |

Provided that no such sanction shall be accorded without the prior approval of the Empowered Standing Committee in the case of any building, except a residential building proposed to be erected or re-erected on a plot of land of five hundred square meters or less:

Provided further that the Empowered Standing Committee shall consider the recommendation of the Municipal Building Committee, and shall finalize its decision after such consideration.

- (2) The sanction for erection of a building or execution of a work may be refused on the following grounds, namely :
- (a) that the building or the work or the use of the site for the building or the work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force or any scheme sanctioned thereunder,
 - (b) that the notice for sanction does not contain the particulars or is not prepared in the manner, required under the rules or the regulations made in this behalf under this Act,
 - (c) that any information or document required by the Chief Municipal Executive Officer/ Municipal Executive Officer under this Act or the rules or the regulations made thereunder has not been duly furnished,
 - (d) that the building or the work would be an encroachment on the State Government land or land vested in the Municipality, and
 - (e) that the site of the building or the work does not abut on a street or projected street and that there is no access to such building or work from any such street by any passage or pathway appertaining to such site.
- (3) Notwithstanding anything contained in this Act, the Chief Municipal Executive Officer/ Municipal Executive Officer may while granting permission under this chapter, specify such special conditions relevant to each case, regarding disposal of solid, liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit.
- (4) The Chief Municipal Executive Officer/ Municipal Executive Officer shall communicate the sanction or the provisional sanction to the person who has given the notice under section 341 or section 342 and where he refuses sanction or provisional sanction, either on any of the grounds specified in sub-section (2) or under section 355 or section 357, he shall record a brief statement of his reasons for such refusal in writing 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 to the erection of a building, the occupancy or use group shall be specifically stated in such sanction.
345. (1) In the case of a Municipal Councils or Nagar Panchayats, the Empowered Standing Committee shall constitute a Municipal Building Committee with the Chief Municipal Executive Officer/ Municipal Executive Officer as its Chairperson and an officer of the Municipality as its convenor. Municipal Building Committee for Municipal Councils or Nagar Panchayats.
- (2) The Municipal Building Committee shall have in addition to the Chairperson and the convenor, six other members of whom :

- (a) one shall be an officer of the planning and development authority for the municipal area under any law for the time being in force,
 - (b) one shall be an officer of the police authority responsible for traffic in the municipal area,
 - (c) one shall be an officer of the fire services having jurisdiction over the municipal area,
 - (d) one shall be an architect having experience of not less than five year,
 - (e) one shall be an Civil Engineer having experience of not less than five year,
 - (f) one shall be an officer for the authority responsible for environmental management of the municipal area and,
 - (g) one shall be an officer of the State Government nominated by the State Government.
- (3) The Municipal Building Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any case regarding any educational building or institutional building or assembly building or industrial building or hazardous building.
- (4) The Municipal Building Committee shall meet at such periodical intervals as may be necessary but not less than once in every calendar month,
- (5) The Municipal Building Committee shall scrutinize every application for erection or re-erection of a building for which notice has been received under section 341, other than a residential building up to three storeys or with a height of twelve meters whichever is higher on a plot of land of five hundred square meters or less and make its recommendations :

Provided that in respect of any building or execution of any work, if such building or work as the case may be affects or is likely to affect –

- (i) the functioning of the microwave system for telecommunication purposes, or
- (ii) any function for the purpose of civil aviation,

the Municipal Building Committee shall, if so considered necessary, refer the matter to the concerned Department of the Central Government or authority for opinion before finalizing the recommendations.

- (6) The recommendation of the Municipal Building Committee shall be referred to the Empowered Standing Committee for its consideration and approval with or without change:

Provided that the reasons for any deviation from the recommendations shall be recorded in writing.

- (7) The manner of conduct of business of the Municipal Building Committee and the procedure to be followed by its shall be such as may be specified by regulations.

Committee for sanction of building plans in case of Class “C” Municipal Councils and Nagar Panchayats.

346. The State Government shall by order, in writing, constitute a Committee or Committee to deal with the sanction of building plan for Class “C” Municipal Councils or Nagar Panchayats in the specified municipal areas.

347. 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 Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that such sanction or provisional sanction was accorded in consequence of any materials misrepresentation or any fraudulent statement in the notice given or information furnished under section 341 or section 342 or section 343, he may by order in writing, cancel for reasons to be recorded in writing such sanction or provisional sanction as the case may be and any building or any work commenced, erected or executed shall be deemed to have been commenced, erected or executed without such sanction and shall be dealt with accordingly under the provisions of this chapter :

Sanction or provisional sanction accorded under misrepresentation.

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

348. (1) Where within a period of sixty days or in cases falling under sub-clause (b) to sub-clause (1) of the clause (1) of section 339 within a period of thirty days of the receipt of any notice under section 341 or section 342 or of any information under section 343 the Chief Municipal Executive Officer/ Municipal Executive Officer does not refuse to sanction to the erection of any building or the execution of any work or upon refusal does not communicate the refusal to the person who has given the notice such person may make a representation in writing to the Chief Councillor :

When building or work may be proceeded with.

Provided that if it appears to the Chief Municipal Executive Officer/ Municipal Executive Officer that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Chief Municipal Executive Officer/ Municipal Executive Officer may withheld sanction to the erection of the building or the execution of the work for such period, not exceeding six months as he may deem fit and the period of sixty days as the case may be the period of thirty days specified in this sub-section shall be deemed to commence from the date of expiry of the period for which the sanction has been withheld.

- (2) Where the erection of building or the execution of a work is sanctioned the person who has given the notice shall erect the building or execute the work in accordance with such sanction and shall not contravene any of the provisions of this Act or the rules or the regulation made there under or of any other law for the time being in force,
- (3) If the person as aforesaid or any one lawfully claiming under him does not commence the erection of the building or the execution of the work within two years of the date on which the erection of the building or the execution of the work as the case may be, is sanctioned, he shall give notice under section 341 or as the case may under section 342 for fresh sanction and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.
- (4) Such person shall before commencing the erection of the building or the execution of the work within the period specified in sub-section (3) shall give notice to the Chief Municipal Executive Officer/ Municipal Executive Officer of the proposed date of commencement of such erection or execution :

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

Period for completion of building or work.

349. The Chief Municipal Executive Officer/ Municipal Executive Officer shall while sanctioning the erection of a building or the execution of a work, specify a reasonable period within which the building or the work is to be completed and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Chief Municipal Executive Officer/ Municipal Executive Officer on an application made in this behalf, allows an extension of such period.

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

350. (1) Where the erection of any building or the execution of any work has been commenced or is being carried on or has been completed without or contrary to the sanction referred to in section 344 or in contravention of any of the provisions of this Act or the rules or the regulations made thereunder, the Chief Municipal Executive Officer/ Municipal Executive Officer 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 therefore has been delivered to such person, as may be specified in the order :

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

Provided further that where the erection of any building or the execution of any work has not been completed, the Chief Municipal Executive Officer/ Municipal Executive Officer may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or any time, direct such person to stop the erection of such building or the execution of such work until the expiry of the period within which an appeal against the order of demolition, if made may be preferred under sub-section (3).

Explanation :- In this chapter, “ the person at whose instance” shall mean the owner or the occupier or any other person who causes the erection of any building or the execution of any work including alterations or additions of any to be some or does it by himself.

- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may make an order under sub-section (1) notwithstanding the fact that the assessment of such building has been made for the levy of the property tax on lands and buildings.
- (3) Any persons aggrieved by an order of the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (1) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 356.
- (4) Where as appeal is prepared under sub-section (3) against an order under sub-section (1) the Municipal Building Tribunal may stay the enforcement of the order on such terms, if any and for such periods as it may think fit :

Provided that where the erection of any building or the execution of any work has not been completed at the time of the order under that sub-section (1), no order staying the enforcement of the order under that sub-section shall be made by the Municipal Building Tribunal unless a surety, sufficient in the opinion of that Tribunal has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

- (5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the Chief Municipal Executive Officer/ Municipal Executive Officer to restrain him from taking any action, or making any order in pursuance of the provisions of this section.
- (6) Every order made by the Municipal Building Tribunal on appeal and subject to such order every order made by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (1) shall be final and conclusive.
- (7) Where no appeal has been preferred against an order made by the Chief Municipal Executive Officer/Municipal Executive Officer under sub-section (1) 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 if any fixed by the Municipal Building Tribunal on appeal and on the failure of such person to comply with the order within such period the Chief Municipal Executive Officer/ Municipal Executive Officer may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.
- (8) Notwithstanding anything contained in this chapter, if the Empowered Standing Committee is of the opinion that immediate action is called for in relation to a building or a work being carried on in contravention of the provisions of this Act, it may for reasons to be recorded in writing cause such building or work to be demolished forthwith.
351. (1) Where the demolition of any building or the erection of any building or the execution of any work has been commenced or is being carried on without or contrary to the sanction referred to in section 344 or in contravention of any conditions subjects to which such sanction has been accorded or in contravention of any provision of this Act or the rules or the regulations made there-under, the Chief Municipal Executive Officer/ Municipal Executive Officer may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith. Order of stoppage of building or work in certain cases.
- (2) (a) Notwithstanding anything contained elsewhere in this Act or in any rules or regulations made there-under no owner of any building and no person engaged in the construction of any building on behalf of the owner thereof, shall allow storage or stagnation of water in the site for the construction of such building and every such owner or every such person, as the case may be shall completely empty all collections of such water at least once in a week.
- (b) Where the construction of a building is carried on in contravention of the provisions of clause (a) the Chief Municipal Executive Officer/ Municipal Executive Officer may in addition to any other action that may be taken under this Act, by order in writing require the person at whose instance such storage or stagnation of water in the site for the construction of the building is made to stop forthwith any further construction of the building and such orders shall remain in force till the person as aforesaid complies with the requirements of the order as aforesaid, to the satisfaction of the Chief Municipal Executive Officer/ Municipal Executive Officer.
- (3) If an order by the Chief Municipal Executive Officer/ Municipal Executive Officer under clause (b) of sub-section (2) directing any person to stop the construction of any building is not complied with the Chief Municipal Executive Officer/ Municipal Executive Officer may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer and such police officer shall comply with such requirement.

- (4) If an order by the Chief Municipal Executive Officer/ Municipal Executive Officer under section 350 or under sub-section (1) of this section, directing any person to stop the erection of any building or the execution of any work, is not complied with the Chief Municipal Executive Officer/ Municipal Executive Officer may take such measures as he deems fit or may require any police officer to remove such person and all his assistant and workmen from the premises within such times as may be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer and such police officer shall comply with such requirements.
- (5) No court shall entertain any suit application or other proceeding for injunction or other relief against the Chief Municipal Executive Officer/ Municipal Executive Officer to restrain him from taking any action or making any order in pursuance of the provisions of this section.
- (6) On the compliance with the requirement under sub-section (5) the Chief Municipal Executive Officer/ Municipal Executive Officer may, if he thinks fit, depute by an order in writing a police officer or an officer or other employee of the Municipality to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.
- (7) Where a police officer or an officer or other employee of the Municipality has been deputed under sub-section (6) to watch the premises the cost of such deputation to be determined by the Municipality by regulations, shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) has been given and shall be recoverable from such person as an arrear of tax under this Act.

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

352. (1) Notwithstanding anything contained in this Act or the rules made there-under or in any other law for the time being in force, any person who being responsible by himself or by any other person on 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 there-under, as endangers or is likely to endanger human life or any property of the Municipality whereupon the water supply, drainage or sewerage of 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 for five years and also with fine which may extend to fifty thousand rupees.

Explanation: - "Person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier or a servant or agent of an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or cause the construction of any new building or additional floor or floors of any buildings as aforesaid.

- (2) The offence under sub-section (1) shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.
- (3) Where an offence under sub-section (1) has been committed by a company the provisions of section 465 of this Act shall apply to such company.

Explanation :- "Company" shall have the same meaning as in the **Explanation** to section 465.

353. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by notice in writing specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 344 or is in contravention of any condition of such sanction or of any of the provisions of this Act or the rules or the regulations made there-under and require the person who gave the notice under section 341 or section 342 or the owner of such building or work either –
- (a) to make such alterations as may be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer in the notice with the object of bringing the building or the work in conformity with such sanction or such condition of such sanction or the provisions of this Act or the rules or the regulations made 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 Chief Municipal Executive Officer/ Municipal Executive Officer shall by order either cancel the notice issued under sub-section (1) or confirm the same subject to such modification as he thinks fit.
354. (1) Every person giving a notice under section 341 or section 342 or every owner of a building or work to which such notice relates shall within one month after completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent to the Chief Municipal Executive Officer/ Municipal Executive Officer a notice in writing of such completion accompanied by a certificate in the form specified in the rules made in this behalf and shall give to the Chief Municipal Executive Officer/ Municipal Executive Officer all necessary facilities inspection of such building or work.
- (2) No person shall occupy or permit any other person to occupy any such building or use or permit any other person to use any buildings or a part thereof affected by any such work until permission has been granted by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf in accordance with the rules and the regulations made under this Act :
- Provided that if the Chief Municipal Executive Officer/ Municipal Executive Officer fails within a period of thirty days of receipt of the notice of completion to communicate his refusal to grant such permission such person may make a representation in writing to the Chief Councillor.

Power of the Chief Municipal Executive Officer/ Municipal Executive Officer to require alteration of work.

Completion certificate.

B. Municipal Building Code

355. (1) The State Government shall prepare a Code to be called the Municipal Building Code containing rules providing for –
- (a) the regulation or restriction of the use of sites for buildings,
- (b) the regulation or restriction of buildings and
- (c) compliance with the provision of any law relating to urban land ceiling or urban land use planning.
- (2) without prejudice to the generality of the foregoing power such Code may provide for all or any of the following matters :-

Power of State Government to make building rules and to classify municipal areas for the purpose of application of building rules.

- (a) information and plans to be submitted together with application under any of the provision of this chapter,
 - (b) requirements of sites,
 - (c) means of access,
 - (d) development of land into land sub-division and layout,
 - (e) land use classification and uses,
 - (f) open space area and height limitations,
 - (g) parking spaces,
 - (h) requirement of parts of building plinth, habitable room, kitchen, pantry, bathroom, water closet, loft, ledge, mezzanine floor, store-room garage, roof, basement, chimney, lighting and ventilation of room, parapet, wells, septic tanks and boundary wall,
 - (i) provisions of lifts,
 - (j) exit requirement including doorways, corridors, passageways, staircase, ramps and lobbies,
 - (k) fire protection requirement including materials and designs for interior decoration,
 - (l) special requirement of occupancies for residential building, educational building, institutional building, assembly building, business building, mercantile building, industrial building, storage building and hazardous building (including those for assembly movement, parking loading, unloading, public convenience, water supply and vendors plazas),
 - (m) structural design,
 - (n) quality of materials and workmanship,
 - (o) alternative materials, method of design, construction and tests,
 - (p) building service including electric supply and such supply from non-conventional sources of energy, air conditioning or heating and telecommunication systems,
 - (q) water supply, water harvesting and plumbing services,
 - (r) signs and outdoor display structures,
 - (s) special requirement for building in the hill areas,
 - (t) special requirement of access for handicapped persons in respect of matters referred to in chapter XXII, chapter XXIII, chapter XXIV and chapter XXV,
 - (u) protection against natural disasters including earthquakes any cyclones and technological disasters and
 - (v) any other matter considered necessary in relation to building activities.
- (3) The State Government may by notification exempt any municipal area or any group of municipal areas as classified under section 7 from the operation of all or any of the provisions of this chapter or the rules made under this section.

- (4) While such exemption under sub-section (3) remains in force in any municipal area or group of municipal areas, the State Government may make rules consistent with the provision of this chapter for application to such municipal area or group of municipal areas.
- (5) Notwithstanding anything contained in the foregoing provisions of this section, no building plan for a building on such plot area, or for such use as may be prescribed which does not provide for electric supply from non-conventional sources of energy and water harvesting shall be sanctioned by the Municipality.

C. Municipal Building Tribunal

356. (1) The State Government may appoint one or more Municipal Building Tribunals (hereinafter referred to in this section as the Tribunal) as may be considered necessary to hear and decide appeals arising out of matters referred to in chapter XXXVII in accordance with such procedure, and to realize such fees in connection with such appeals, as may be prescribed. Municipal Building Tribunal.
- (2) Each Tribunal shall consist of a Chairperson and such other members, not exceeding four, as the State Government may determine.
 - (3) The Chairperson and one other member shall be persons who are or have been members of the State Higher Judicial Service, having such experience as may be prescribed.
 - (4) At least one of the remaining other members shall be a person who shall have such knowledge or experience in town planning, civil engineering or architecture as may be prescribed.
 - (5) The Chairperson and the other members of the Tribunal shall be appointed by the State Government for such period, and on such terms and conditions, as the State Government may determine and shall be paid from the Municipal Fund :

Provided that a Councillor or a person who is or has been an officer or other employee of the Municipality shall not be eligible for appointment as a member of the Tribunal.
 - (6) The State Government may, if it thinks fit, remove for reason of incompetence or misconduct or for any other good or sufficient reason the Chairperson or any other member of the Tribunal.
 - (7) The Tribunal shall have such officers and other employees, appointed on such terms and conditions, as may be prescribed, and the expenses of the Tribunal shall be paid out of the Municipal Fund.
 - (8) The Provisions of Part II and Part III of the Limitation Act, 1963, relating to appeal shall apply to every appeal preferred under this section.
 - (9) No court shall have jurisdiction in any matter for which provision is made in this chapter for appeal to the Tribunal.

D. General Powers

357. (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 Chief Municipal Executive Officer/ Municipal Executive Officer may, in the case of any building which is intended to be erected at the corner of two streets, - Building at corners of streets.
- (a) refuse sanction for such reasons as may be recorded in writing, or

- (b) impose restrictions on its use, or
- (c) place special conditions concerning exit to, or entry from, any street, or
- (d) require it to be rounded off or splayed or cut off to such height and to such extent as he may determine, or
- (e) acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity :

Provided that nothing shall be done in any case under the provisions of this sub-section without any scrutiny of such case by the Municipal Building Committee for a Municipal Corporation, Class 'A' Municipal Council and Class 'B' Municipal Council, constituted under section 345, or the Committee for sanction of building plans in case of building plans for Class 'C' Municipal Councils and Nagar Panchayats, constituted under section 346, as the case may be, and without prior approval of the Empowered Standing Committee in accordance with the provisions of this chapter.

- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may, by order, in writing, require any alteration, corresponding to any of the provisions in clauses (b) to (e) of sub-section (1), to be made to any building completed before the commencement of this Act.

Provision as to building and work on either side of new street or near fly-over or transportation terminal.

358. (1) The sanction to the erection of any work on either side of a new street may be refused by the Chief Municipal Executive Officer/ Municipal Executive Officer unless and until such new street has been leveled, and, in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer, 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 Chief Municipal Executive Officer/ Municipal Executive Officer, if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which have been laid down by the Chief Municipal Executive Officer/ Municipal Executive Officer but which has not 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 Chief Municipal Executive Officer/ Municipal Executive Officer may refuse permission for the erection or re-erection of any building which, when completed, will be within such distance from a fly-over or over bridge or transportation terminal or other construction as may be provided by rules or regulations made in this behalf.

Provision against use of inflammable material for building etc. without permission.

359. (1) No roof, verandah, *pandal* or wall or a building or no shed or fence shall be constructed or reconstructed of cloth, grass leaves, mats or other inflammable materials except with the permission, in writing, of the Chief Municipal Executive Officer/ Municipal Executive Officer, nor shall any such roof, verandah, *pandal*, wall shed or fence, constructed or reconstructed in any year, be retained in a subsequent year except with the fresh permission obtained in this behalf.
- (2) Every permission under sub-section (1) shall expire at the end of the year for which it is granted.

- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may regulate the use of materials, design or construction or other practices for interior decoration in accordance with the rules and the regulations in this behalf.
360. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may, subject to the prior approval of the Empowered Standing Committee, give notice of his intention to declare –
- Power to regulate future construction of buildings in particular streets or localities.
- (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 publications of such notice and may confirm the declaration or may modify it so however that the effect of such notice is not extended.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer shall publish any declaration so confirmed or modified in the official Gazette and the declaration shall take effect from the date of such publication.
- (4) No person shall after the date of publications of such declaration, erect or re-erect any building in contravention of such declaration.
- (5) The Empowered Standing Committee shall ensure that such declaration is in conformity with the provisions of any State Law relating to urban land use planning.
361. If, during excavation or any other operation for the purpose of construction of any building or execution of any work, any of the underground utilities (such as electric or telephone cables, water supply, drainage and sewerage mains and gas pipes) is touched or is likely to be touched or if the Chief Municipal Executive Officer/ Municipal Executive Officer is of the opinion that such excavation may cause danger to the public, the Chief Municipal Executive Officer/ Municipal Executive Officer may by order in writing stop forthwith any such excavation or other work till the matter is investigated and decided to his satisfaction.
- Power to stop excavation.

Power to require alteration of existing buildings.

362. The Chief Municipal Executive Officer/ Municipal Executive Officer may with a view to promoting convenience, safety, privacy of the public or the occupier, or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder by order in writing require the owner of any existing building to make such alteration therein and within such period as may be specified in the order :

Provided that before making any such order, the Chief Municipal Executive Officer/ Municipal Executive Officer shall afford a reasonable opportunity to the owner to show cause why such order should not be made.

Power to order removal of dangerous building.

363. (1) If any wall or building or anything affixed thereto, is deemed by the Chief Municipal Executive Officer/ Municipal Executive Officer to be in a ruinous state, or is likely to fall or to be in any way dangerous, he shall forthwith cause a notice, in writing to be served on the owner and to be put on some conspicuous part of the wall or building or served on the occupier, if any of the building requiring such owner or occupier forthwith to demolish, repair or secure such wall, building or thing as the case may require.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may if it appears to him necessary so to do cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wall or building for the safety of the public or the inmates thereof and may after giving them such notice as the Chief Municipal Executive Officer/ Municipal Executive Officer may think necessary require the inmates of the building to vacate it.
- (3) The provisions of this Act and of any rules or regulations made thereunder relating to buildings shall apply to any work done in pursuance or in consequence of a notice issued under sub-section (1).
- (4) (a) Withstanding anything contained in the foregoing provisions of this section, the Chief Municipal Executive Officer/ Municipal Executive Officer may forthwith or with such notice as he thinks fit demolish, repair or secure or cause to be demolished, repaired or secured any such wall or building or thing affixed thereto, on the report of the Municipality Architect and Town Planner, certifying that such demolition, repair or securing of the building, wall or thing is necessary for the safety of the public or the inmates of the building,
- (b) In any such case, the Chief Municipal Executive Officer/ Municipal Executive Officer may cause the inmates of the building to be summarily removed from such building or from such portion thereof as he may consider necessary.
- (c) All expenses incurred by the Chief Municipal Executive Officer/ Municipal Executive Officer for carrying out the purposes of this sub-section shall be paid by the owner of such wall, building or thing.
- (5) Anything done or any action taken by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (4) shall unless the contrary is proved be deemed to have been done or taken lawfully and in good faith.

Inspection of building.

364. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may at any time during the erection or re-erection of a building or the execution of any work under this chapter make an inspection thereof without giving any previous notice of his intention so to do.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may inspect any existing building at any time by giving seven days notice in advance.

365. (1) No person shall without the previous permission in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer 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. Permission in case of non-residential uses of premises.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may refuse to give such permission in any case on the ground that such use –
- (a) would be objectionable by reason of the density of population in the neighbourhood, or
 - (b) would add to the traffic constraint in the vicinity including parking spaces for vehicles or
 - (c) would not conform to other predominant uses in the neighbourhood or
 - (d) would constitute a fire hazard or
 - (e) would be a nuisance to the inhabitant of neighbourhood or
 - (f) in the case of a hospital or a clinic would be harmful to the patient due to noise or an environment which poses a health hazard or
 - (g) in the case of an educational building would deprive the students of playground facilities,
- (3) Subject to any land use control under this Act or any other law for the time being in force, the decision of the Chief Municipal Executive Officer/ Municipal Executive Officer in every case where permission is refused under this section shall be final.
366. In the case of any premises for the use of which a licence or permission is required from the State Government or any authority under any law for the time being in force, the Chief Municipal Executive Officer/ Municipal Executive Officer shall not grant such permission under this Act to any person until such person produces before the Chief Municipal Executive Officer/ Municipal Executive Officer the licence or the permission from the State Government or such authority as the case may be and submits duly authenticated copy thereof to him : Conditions for grants of permission.
- Provided that in the case where production of a permission of the Municipality is a precondition for the grant of a licence or permission under any other law for the time being in force, the Chief Municipal Executive Officer/ Municipal Executive Officer may grant a provisional permission which shall be authenticated to be final only upon production of a licence or permission under the said law.
- Provided further that such provisional permission shall have validity only for the purpose of fulfilling any precondition for the grant of the licence or the permission under any other law as aforesaid.
- E. Regulation of Building Uses***
367. (1) No person shall without the permission in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer or other than in conformity with the conditions of such permission : Power to prohibit change of authorized use of building.

- (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 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 Chief Municipal Executive Officer/ Municipal Executive Officer 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 not be deemed to be a change in contravention of the provisions of this Act.
- (4) Without prejudice to any other action that may be taken against any persons, whether owner or occupier contravening any provision of this section, the Municipality may levy on such person such fine, not exceeding in each case rupees one hundred per square meter per month for the area under unauthorized use throughout the period during which such contravention continues as may be provided by regulations.
- (5) The Chief Municipal Executive Officer/ Municipal Executive Officer may if he deems fit order that such unauthorized used be stopped forthwith:
- Provided that before making any such order, he shall give a reasonable opportunity to the person affected to show cause why such order shall not be made.
- (6) Any person aggrieved by an order of the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (5) may within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal whose decision in the matter shall be final and conclusive.
- (7) When an appeal is preferred under sub-section (6) the Municipal Building Tribunal or the Municipality as the case may be may stay the enforcement of the order made by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (5) on such terms and for such period as it may think fit.
- (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 Chief Municipal Executive Officer/ Municipal Executive Officer or the Municipal Building Tribunal or the Municipality from taking any action or making any order in pursuance of the provision of this section.

Explanation :- For the purpose 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 referred to in sub-section (2) of section 339.

368. (1) The Municipality 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. Power to prevent use of premises for specified purpose in particular area for environmental reasons.
- (2) Any objection to any such notice shall be received within a period of thirty days from the date of the notice.
- (3) The Municipality 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) 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 publications.
- (5) No person shall in any area specified in the declaration published under sub-section (4) use any premises for any purpose specified in the declaration and the Chief Municipal Executive Officer/ Municipal Executive Officer shall have the power to stop such use of any such premises by such means as he may consider necessary.
- (6) The Municipality shall ensure that such declaration is in conformity with the provisions of any land use plan in force in the municipal area under any State law regulating such use.

Chapter - XXXVIII

Municipal Licences

369. (1) Except as hereinafter provided in this Act, no person shall use or permit to be used any premises for any of the non-residential purposes mentioned in the Schedule without or otherwise than in conformity with the terms of a licence granted by the Chief Municipal Executive Officer/ Municipal Executive Officer or the Wards Committee under sub-section (6) of section 30, as the case may be so as not to contravene the provisions of sub-section (2) of this section. Premises not to be used for non-residential purpose without municipal licence.

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.

Provided further that except in case which come under the provisions of sub-section (2) of this section or section 371 or section 373 the power issue such licence within its jurisdiction may be exercised by the Wards Committee subject to such conditions and in such manner as may be determined by regulations.

- (2) In the case of a non-residential use of a premises for a purpose for which a licence or permission is required from the State Government or any statutory body under any law for the time being in force, no licence under this section shall be given until the licence or the permission under the said law has been produced before the Chief Municipal Executive Officer/ Municipal Executive Officer and duly authenticated copies thereof have been submitted to him :

Provided that in the case where the production of a licence under this Act is a precondition for the grant of a licence under any other law for the time being in force, the Chief Municipal Executive Officer may grant a provisional licence which shall be authenticated to be final only upon the production of a licence or permission under the said law :

Provided further that such provisional licence shall have validity only for the purpose of fulfilling the preconditions of the grant of a licence under any other law as aforesaid.

- (3) In specifying the terms of a licence granted under this section, the Chief Municipal Executive Officer/ Municipal Executive Officer may require the licence to take all or any of such measures as he may deem fit to guard against danger to life, health or property or for the abatement of nuisance of any kind.
- (4) The Municipality shall by regulations, determine the fees to be paid in respect of a licence granted under sub-section (1) and may specify different fees for different categories of non-residential uses in different areas within the municipal area :

Provided that no such fee shall exceed rupees two thousand and five hundred in any case.

- (5) The Municipality may by regulations, determine :-
 - (a) as to when the initial licence is to be taken out and the procedure of annual renewal thereof and
 - (b) the matter connected with the display of licence, inspection or premises, power of inspectors and such other matters as may be deemed necessary.

Registers to be maintain.

370. The Chief Municipal Executive Officer/ Municipal Executive Officer shall maintain in such form and in such manner as may be prescribed two separate registers of which –
- (a) one shall contain premise wise information of non-residential uses indicating the unique premises number if any assigned under this Act, and
 - (b) the other shall contain such information on the basis of different non-residential user group for factories, warehouses, medical institution, educational institution and such other uses as may be provided by regulation.

Municipal licence for private markets.

371. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Municipality grants to any person a licence to establish or keep open a private market on payment of such fees as may be determined by the Municipality by regulations and may specify such conditions consistent with this Act as he may deem fit.
- (2) When the Chief Municipal Executive Officer/ Municipal Executive Officer refuses to grants any licence, he shall record a brief statement of the reasons for such refusal in writing.
 - (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Municipality and for reasons to be recorded in writing by order suspended a licence in respect of a private market for such period as he thinks fit or cancel such licence.
 - (4) A private market in respect of which the licence has been suspended or cancelled under sub-section (3) shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Municipal licence for sale of flesh, fish and poultry.

372. (1) No person shall without or otherwise than in conformity with a licence from the Chief Municipal Executive Officer/ Municipal Executive Officer carry on the trade of a butcher, fishmonger, poultry or importer of flesh, intended for human food, or use any place for the sale of flesh, fish or poultry intended for human food.

Provided that no person shall sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Chief Municipal Executive Officer/ Municipal Executive Officer may by general order made in this behalf require in token of the fact that the animal has been slaughtered in a municipal or licensed slaughterhouse :

Provided further that no licence shall be required for any place used for sale or storage for sale of preserved flesh or fish contained in air tight or hermetically sealed receptacles.

- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer may by order and subject to such conditions as to supervision and inspection as he may think fit to impose, grant a licence or may by order and for reasons to be recorded in writing, refuse to grant a licence.
 - (3) The Municipality shall by regulation, determine the procedure for the issue of a licence and renewal thereof.
 - (4) If any place is used for the sale of flesh, fish or poultry intended for human food in contravention of the provisions of this section, the Chief Municipal Executive Officer/ Municipal Executive Officer may stop the use of such place in such manner as he may consider necessary.
373. (1) Without or otherwise than in conformity with the terms of a licence granted by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf, no person shall within the municipal area use or permit to be used any land or building :
- Prohibition of unlicensed activities.
- (a) for keeping horses, cattle, or other quadrupled animals or birds for transportation sale or hire or for sale of the produce, or
 - (b) as a market in respect of which a licence is required under this Act or
 - (c) for carrying out work as an artisan or
 - (d) for trade of a butcher, fish-monger, poultry or importer of flesh intended for human food or for sale thereof.
- (2) If any land or building, public or private use or permitted to be used in contravention of the provisions of sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may stop the use thereof by such means as he deems fit and may confiscate any article in respect of which such use is being made, and prepare an inventory thereof and in the case of perishable items, auction them without notice.
374. (1) If the Chief Municipal Executive Officer/ Municipal Executive Officer is of the opinion that any premises is being used for a non-residential purpose without a licence under this Act or otherwise than 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.
- Power to stop use of premises used in contravention of licences.
- (2) If a person continues to use a premises in contravention of the provisions of sub-section (1) the Chief Municipal Executive Officer/ Municipal Executive Officer may notwithstanding any other action that may be taken against such person under this Act, levy on such person a continuing fine in accordance with the provisions of sub-section (4) of section 367.

- Power to seize food or drug etc.
375. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any officer or any other employee of the Municipality authorized by him in this behalf may at the time in day or night without notice, inspect and examine any food or drug or any utensil or vessel used for preparing, manufacturing or storing such food or drug.
- (2) If, upon such inspection or examination any such food or drug is in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee authorized by him in this behalf, unwholesome or unfit for human consumption or is not what it is represented to be or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured or stored therein, unwholesome or unfit for human consumption, he may seize, seal or carry away such food or drug or utensil or vessel.
- (3) If any food or drug seized under sub-section (2) is in the opinion of the Chief Municipal Executive Officer/ Municipal Executive Officer unfit for human consumption he shall cause such food or drug to be forthwith destroyed in such manner as to prevent its being exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possessions such food or drug was at the time of it seizure.

Chapter - XXXIX

Vital Statistics

- Appointment of Chief Registrar and Registrars.
376. (1) The Chief Municipal Health Officer shall be the Chief Registrar of births and deaths occurring in the municipal area.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall for the purpose of this chapter appoint such number of persons to be Registrars of births and deaths as he deems necessary and shall define the respective areas which shall be under the charge of such Registrars.
- Duties of Registrar.
377. Each Registrar shall keep himself informed of every birth or death occurring within the area of his jurisdiction and shall ascertain such particulars in respect of every birth or death as may be prescribed in this behalf.
- Registrar's books to be maintained.
378. (1) Such particulars regarding births and deaths as the Chief Municipal Executive Officer/ Municipal Executive Officer may from time to time specify shall be entered in separate registers of births and of deaths and such registers shall be maintained by each Registrar.
- (2) The Chief Municipal Executive Officer/ Municipal Executive Officer shall specify the form of the registers required to be maintained under sub-section (1) and the manner in which such registers shall be maintained.
- (3) On an application from a person interested, the Chief Registrar or a Registrar as the case may be, shall issue an extract from any entry in a register on payment of such fees as may be determined by the Municipality by regulations.
- Registration of births and deaths.
379. Subject to the provisions of the Registration of Births and Deaths Act 1969(18 of 1969), the Municipality shall cause registration of births and deaths taking place within the municipal area and extracts of information therefrom shall be supplied on application in such form of a certificate, and on payment of such fees as may be determined by regulations.

380. (1) When the births 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. Registration of name of child or of alteration of name.
- (2) The certificate shall be in such form as the Chief Municipal Executive Officer/ Municipal Executive Officer may from time to time specify and shall be signed by the parent, or the guardian of the child or other person proposing the name of the child to be altered or given.
381. (1) Any clerical error which may at any time be discovered in a register of births or register of deaths may be corrected by any person authorized in this behalf by the Chief Municipal Executive Officer/ Municipal Executive Officer. Correction of errors in registers of births or deaths.
- (2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin without any alteration of the original entry upon production to the Chief Municipal Executive Officer/ Municipal Executive Officer by the person requiring such error to be corrected of a declaration (setting forth the nature of the error and the fact of the case) on oath made before a Magistrate, by the person required by this Act to give information concerning the birth or death with reference to which the error has been made or in default of such person by a person having knowledge of the case.
- (3) Except as provided in sub-section (2) no alteration shall be made in any such register.
382. It shall be the duty of the father or the mother of every child born in the municipal area and in default of the father or the mother of any relation of the child living in the same premises and in defaults of such relation of the person having charge of the child to give to the best of his or her knowledge and belief to the Registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed in this behalf. Information of births.
- Provided that
- (a) in the case of an illegitimate child no person shall as father of such child be required to give information under this Act concerning the birth of such child and the Registrar shall not enter in the register the name of any person as father of such child except at the joint request of the mother and the person acknowledging himself to be the father of such child and such person shall in such case, sign the register together with the mother.
- (b) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given and
- (c) when a child is born in a hospital or a nursing home or a maternity home, none but the officer-in-charge thereof shall be bound to forward forthwith to the Registrar a report of such birth in such time and in such form as the Chief Registrar may from time to time specify.

- Information regarding finding of newborn child. 383. In case any newborn child is found exposed it shall be the duty of any person finding such child or of any person in whose charge such child may be place to give to the best of his knowledge and belief to the Chief Registrar or the Registrar within eight days after the finding of such child such information of the particulars required to be registered concerning the birth of such child as such person possesses.
- Information regarding deaths. 384. It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in the municipal area and in default of such relation of any person present or in attendance at the time of the death and of the occupier of the premises in which to his knowledge, the death took place and in default of the person as aforesaid of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of to give to the best of his knowledge and belief to the Registrar of the area within which the death took place information containing such particulars as may be prescribed within twenty four hours of such death :
Provided that –
(a) if the cause of death is known to be a dangerous diseases the information as aforesaid shall be given within twelve hours of its occurrence and
(b) if the death of any person occurs in a hospital or a nursing home or a maternity home it shall be the duty of none but the medical officer or other officer – in-charge thereof to forward 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. 385. In the case of a person who has been attended his last illness by a duly qualified medical practitioner such practitioner shall within three days of his becoming cognizant of the death of such person, sign and forward to the Chief Registrar a certificate of the cause of death of such person in such form as shall from time to time be specified by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.
- Duties of police in regard to unclaimed corpse. 386. 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.
- Sextons etc. not to bury etc. corpse. 387. A sexton or a keeper of a registered burial or burning ground or other place for disposal of the dead, whether situated in municipal area or not shall not bury burn or otherwise dispose of or allow to be buried burnt or otherwise disposed of any corpse unless such corpse is accompanied by a certificate in such form as may be prescribed and signed by a Registrar appointed under section 376 or by a registered medical practitioner or any other medical practitioner authorised by the

Chapter - XL

Disaster Management

- Management of natural or technological disasters. 388. (1) As far as possible, the Municipality shall in collaboration with the concerned authorities of the Central Government or the State Government including the meteorological office, shall prepare environmental base maps and impact area diagrams and shall collect other relevant data and shall take necessary steps for erecting installation and other accessories required to mitigate the effects of natural or technological disasters.

- (2) The Municipality shall organize emergency operations and promote public awareness in relation to disaster management.
- (3) The Municipality shall take adequate measure to implement the regulations, if any made by the planning and urban development authorities to mitigate earthquake hazards in high seismic zones and to promote citizen awareness in this regard.

Chapter - XLI

Industrial Townships

389. No Municipality shall be constituted in such urban area or part thereof as the Governor may having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit by notification specify to be an industrial township. Exclusion of industrial townships from municipal areas.

POWERS, PROCEDURES, OFFENCES AND PENALTIES

Chapter - XLII

Procedure

A. Licence and Permission

390. (1) Wherever 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 Chief Municipal Executive Officer/ Municipal Executive Officer or by any other officer empowered to grant such licence or permission under this Act or the rules or the regulations made 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 regulation made thereunder :
- (a) the date of the grant of licence or permission,
 - (b) the purpose or the period, if any for which it is granted,
 - (c) restrictions or conditions of any subject to which it is granted,
 - (d) the name and address of the person to whom it is granted and
 - (e) the fee, if any paid for the licence or the permission.
- (2) Except as otherwise provided in this Act or the rules or the regulations made 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 Municipality and such fee shall be payable by the person to whom the licence or the permission is granted.
- (3) Save as otherwise provided in this Act or the rules or the regulations made 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 Chief Municipal Executive Officer/ Municipal Executive Officer or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud, or if any of the restrictions or conditions of licence or permission has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provision of this Act or the rules or the regulations made thereunder relating to any matter for which the licence or the permission as the case may be was granted :
- Signature, condition, duration, suspension, revocation etc. of licence and permission.

Provided that –

- (a) before making any order of suspension or revocation, an opportunity shall be given to the grantee of the licence or the permission to show cause why it should not be suspended or revoked and
 - (b) every such order shall contain a brief statement of the reasons for the suspension or the revocation of the licence or the permission as the case may be.
- (4) When any such licence or permission is suspended or revoked or when the period for which such licence or permission was granted has expired the grantee shall for the purpose of this Act and the rules and the regulations made thereunder be deemed to be without a licence or permission, as the case may be until such time as the order 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 remain in force, if so required by the Chief Municipal Executive Officer/ Municipal Executive Officer or the other officer by whom it was granted, produced such licence or permission as the case may be.

B. Entry and Inspection

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| Power to entry. | 391. | <p>The Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or employee of the Municipality authorised by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf, or empowered by or under any provision of this Act, may enter into or upon any land or building with or without assistants or workmen, for the purpose of -</p> <ul style="list-style-type: none"> (a) ascertaining whether in connection with the land or the building there is or has been any contravention of the provisions of this Act or the rules or the regulations made there under ,or (b) ascertaining whether or not circumstances exist which render it necessary to take immediate action by the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or employee of the Municipality authorised by him in this behalf , or empowered by or under any provision of this Act or the rules or the regulations made thereunder, or (c) taking any action or executing any work authorised or required by or under this Act or the rules or the regulations made thereunder, or (d) making such inquiry, inspection, examination, measurement, valuation or survey as may be authorized or required by or under this Act or as may be necessary for the proper administration of this Act, or (e) generally ensuring efficient discharge of the functions by any of the municipal authorities under this Act or the rules or the regulations made thereunder. |
| Power to enter land or adjoining land in relation to any work. | 392. | <p>(1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him in this behalf, or empowered by or under this Act, may enter upon any land within fifty meters of any work authorised by or under this Act with or without assistants or workmen , for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purpose connected with the execution thereof.</p> |

- (2) Every person so authorised shall, before entering upon any such land, state the purpose thereof, shall, if so required by the owner or the occupier thereof, fence off so much of the land as may be required for such purpose.
- (3) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be necessary, and compensation shall be payable by the municipality in accordance with the rules to the occupier of such building or such land or to both for any such damage, whether permanent or temporary.
- 393 (1) It shall be lawful for the Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him in this behalf, or empowered by or under this Act, to make any entry into any place and to open or cause to be opened any door, gate or other barrier,-
- Breaking into building.
- (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 barriers the Chief Municipal Executive Officer/ Municipal Executive Officer or the person authorised or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated to witness the entry or the opening and may issue an order in writing to them or any of them so to do.
- (3) A report shall be made to Empowered Standing Committee as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.
394. Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry authorized under this Act shall be made except between the hours of sunrise and sunset :
- Time of making entry.
- Provided that if the Chief Municipal Executive Officer/ Municipal Executive Officer is satisfied that the erection of any building or the execution of any work has been commenced or is being carried on in contravention of the provisions of this Act in any premises between the period of sunset and sunrise he may if he considers it necessary so to do enter such premises during such period accompanied by a officer to make an inspection thereof and take such action as may be necessary under this Act.
395. Save as otherwise provided in this Act or the rules or the regulations made thereunder no land or building shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving such occupier or owner as the case may be not less than twenty four hours notice in writing of the intention to make such entry.
- Consent ordinarily to be obtained.
- Provided that no such notice shall be necessary if the Municipality considers for reasons to be recorded in writing that there is immediate urgency of such entry and the services of a notice in writing may defeat its purpose.

Provided further that no such notice shall be necessary, if the land or the building to be entered is a factory or workshop or trade premises or place used for any of the purpose referred to in section 314 or a stable for horse or a shed for cattle or a latrine or a urinal or a work under construction or for the purpose of ascertaining whether any animal intended for human consumption is slaughtered on such land or in such building in contravention of the provision of this Act or the rules or the regulations made thereunder.

396. When any land uses as human dwelling is entered under this Act, due regard shall be paid to the social religious customs and usages of the occupants of the place entered and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her withdrawing.

397. No person shall obstruct or molest any person authorised or empowered by or under this Act, or with whom the Municipality or any of the municipal authorities referred to in section 20 has lawfully contracted, in the execution of his duty or anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or the rules or the regulations made thereunder, or in fulfillment of his contract as the case may be.

C. Public Notice and Advertisement

398. Every public notice give under this Act or the rules or the regulations made thereunder shall be in writing under the signature of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality authorised by him in this behalf, and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within such locality or by publishing the same by advertisement in local newspapers or by such other means as the Chief Municipal Executive Officer/ Municipal Executive Officer may think fit.

399. Whenever it is provided by or under this Act or the rules or the regulations made thereunder that notice shall be given by advertisements 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.

D. Evidence

400. Whenever under this Act or 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 Municipality or
- (b) The Empowered Standing Committee or
- (c) The Chief Councillor or

Regard to be had to social or religious usages.

Prohibition of obstruction or molestation in execution of work.

Public notices how to be made known.

Newspapers in which advertisements or notice to be published.

Proof of consent etc. of Municipality, Empowered Standing Committee, Chief Councillor, Chief Municipal Executive Officer/Municipal Executive Officer etc.

- (d) The Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality.

As the case may be a document, in writing signed –

(i) in the case referred to in clause (a) and clause (b) by the Municipality Secretary where there is a Municipality Secretary or where there is no Municipality Secretary by the Chief Municipal Executive Officer/ Municipal Executive Officer and

(ii) in the case referred to in clause (c) and clause (d) by the Chief Municipal Executive Officer/ Municipal Executive Officer,

purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion, satisfaction as the case may be shall be sufficient evidence thereof.

E. Notices etc.

401. Where any notice bill, order, or requisition, issued or made under this Act or the rules or the regulations made thereunder required anything to be done for the doing of which no time is fixed in this Act or the rules or the regulations made thereunder such notice, bill, order or requisition shall specify a reasonable time for doing the same. Notice etc. to fix reasonable time.
402. (1) Every licence, permission in writing, notice, bill summons or other documents which is required by this Act or the rules or the regulations made thereunder to bear the signature of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality shall be deemed to be properly signed if it bears a facsimile of the signature of the Chief Municipal Executive Officer/ Municipal Executive Officer or such other officer as the case may be and stamped thereupon. Signature on notice etc. may be stamped.
- (2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 82.
403. Every notice, bill, summons or other document required by this Act or the rules or the regulations made thereunder to be served upon, or issued to any person shall be served or issued by an officer or other employee of the Municipality or by any person authorised by the Chief Municipal Executive Officer/ Municipal Executive Officer in that behalf. Notice etc. by whom to be served or issued.
404. (1) Every notice, bill, summons order, requisition or other document required or authorised by this Act or the rules or the regulations made thereunder to be served or issued by or on behalf of the Municipality or by any of the municipal authorities referred to in section 20 or by any officer or other employee of the Municipality, shall save as otherwise provided in this Act or the rules or the regulations made thereunder be deemed to be duly served. Service of notice etc.
- (a) where the person to be served is a company, if the document is addressed to the Secretary of the company at its registered office or at its principal office or place of business and is either –
- (i) sent by registered post or
- (ii) delivered at the registered office or at the principal office or place of business of the company or

- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on and is either –
 - (i) sent by registered post or
 - (ii) delivered at the said place of business or
 - (c) where the person to be served is a public body or a Municipality, or a society or other body, if the document is addressed to the secretary, treasurer or other officer of such public body, Municipality, society, or other body at its principal office, and is either, -
 - (i) sent by registered post, or
 - (ii) delivered at that office, and
 - (d) in any other case, if the document is addressed to the person to be served, and
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the municipal area, or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
 - (iii) is sent by registered post to such person.
- (2) Any document, which is required or authorized to be served on the owner or the occupier of any land or building, may be addressed to “the owner” or “the occupier”, as the case may be, of such land or building (naming such land or building) without further name or description, and shall be deemed to be duly served, -
- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1), or
 - (b) If the document or a copy thereof so addressed, is delivered to some person on the land or the building or, where there is no such person to whom it can be delivered, is affixed to some conspicuous part of such land or building.
- (3) Where a document is served on a partnership under this section, the document shall be deemed to be duly served on each partner.
- (4) For the purpose of enabling any document to be served on the owner of any premises, the Chief Municipal Executive Officer/ Municipal Executive Officer may, by notice, in writing, require the occupier of such premises to state the name and address of the owner thereof.
- (5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.
- (6) Nothing in section 402 or section 403 or in this section shall apply to any summons issue under this Act by any court.

Explanation. – For the purposes of this section, a servant shall not be deemed to be a member of the family.

F. Enforcement of Orders to Execute Works etc.

405. (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 Municipality, such authority or officer shall specify in such notice such period within which –
- Time for complying with requisition or order, and power of the Chief Municipal Executive Officer/ Municipal Executive Officer to enforce requisition or order on default.
- (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 reasonably.
- (2) If any such requisition or order or any portion thereof is not complied with within the period specified in the notice under sub-section (1), the Chief Municipal Executive Officer/ Municipal Executive Officer may, subject to the provisions of section 406 and such regulations as may be made by the Municipality in this behalf, take such measures, or cause such measures to be taken, as may, in his opinion, be necessary for causing due compliance with such requisition or order, and, except where otherwise expressly provided in this Act or the rules or the regulations made thereunder, the expenses, if any, incurred by such authority or officer in causing such compliance shall be paid by the person or persons to whom such notice is issued.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer may take any scheme, execute any work, or cause anything to be done under this section, notwithstanding any prosecution or punishment or liability to punishment of any person under this Act or the rules or the regulations made thereunder for his failure to comply with such requisition or order.
406. (1) Any person who has been served with a notice under sub-section (1) of section 405 may, within such period as is specified in such notice, deliver to the municipal authority or the officer or the Municipality, 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.
- Submission of objections to comply with notice.
- (2) Every such objection shall be placed before the Chief Municipal Executive Officer/ Municipal Executive Officer for determination and, pending such determination, compliance with any requisition or order in accordance with such notice shall be stayed.
- (3) The Chief Municipal Executive Officer/ Municipal Executive Officer or, if he so directs, any other officer of the Municipality of such rank as may be specified by him, other than an officer who has issued such notice, shall, after hearing the person concerned or his agent duly authorized by him, in writing, in this behalf and after considering the circumstances of the case, make such order, either confirming or modifying or canceling the notice, as he thinks fit.
- (4) (a) Where the Chief Municipal Executive Officer/ Municipal Executive Officer or the other officer of the Municipality referred to in 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 Municipality, and

(ii) fix a time within which the notice so confirmed shall be complied with.

- (b) If the notice as confirmed or modified is not complied with by such person within the time fixed under sub-clause (ii) of clause (a), the Chief Municipal Executive Officer shall take such measures, or cause such work to be executed, or such thing to be done, as may, in his opinion, be necessary for causing due compliance with such notice, and the expenses, if any, incurred by the Chief Municipal Executive Officer in this behalf shall be payable to the Chief Municipal Executive Officer on demand and, if not paid within ten days of such demand, shall be recoverable as an arrear of tax under this Act.

G Recovery of Expenses.

Power of Municipality to enter into agreement for payment of expenses in installment.

- 407. (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 Municipality or any Magistrate are payable by any person, the Chief Municipal Executive Officer/ Municipal Executive Officer may, if he thinks fit and with the approval of the Empowered Standing Committee, notwithstanding anything to the contrary contained in this Act or the rules or the regulations made thereunder, enter into an agreement with such person for payment of such expenses in such installments, and at such intervals, as will secure the recovery of the whole amount due with interest thereon at such rate of interest as may be determined by the State Government from time to time within such period, not exceeding six years, as the Municipality may determine.
- (2) Every such agreement shall provide for adequate security against the whole amount due from such person.

Power of Municipality to declare certain expenses to be an improvement expenses.

- 408. (1) If any expenses are to be recovered or are incurred on account of any work mentioned –
 - (a) in section 199 and section 201, or
 - (b) in the rules or the regulations made under this Act,
 The Municipality may, if it thinks fit, declare such expenses to be an improvement expenses.
- (2) A register shall be maintained by the Chief Municipal Executive Officer/ Municipal Executive Officer showing all expenses, declared to be an improvement expenses under this section and such register shall be open to inspection 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.

- 409. (1) Any improvement expenses under section 408 shall be charge on the premises in respect of which or for the benefit of which such expenses are incurred and shall be recoverable in such installments and at such intervals, as may be sufficient to discharge such expenses with interest thereon at such reasonable rate as may be determined by the Municipality from time to time and within such period not exceeding thirty years as the Municipality may in each case determine.
- (2) The improvement expenses shall be payable by the owner or the occupier of the premises on which such expenses are chargeable.

410. Notwithstanding anything contained in section when the occupier of any premises pays any installment 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 installment 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. Recovery of improvement expenses paid by occupier.
411. At any time before the expiration of the period for payment of any improvement expenses, the owner or the occupier of the premises on which such expenses are chargeable may redeem such charge by paying to the Municipality such part of such expenses as is still payable. Right of owner or occupier to redeem charge for improvement expenses.
412. Whenever the owner of any land or building fails to execute any work which he is required to be executed under this Act or the rules or the regulations made thereunder, the occupier if any of such land or building may with the approval of the Chief Municipal Executive Officer/ Municipal Executive Officer execute such work and shall subject to any agreement to the contrary between himself and the owner of such land or building be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deducted any amount thereof from the rent payable by him to such owner. Execution of work by occupier on the failure of owner.
413. (1) Whenever under this Act or the rules or the regulations made thereunder any person by reason of his – Relief to receivers, agents and trustees.
- (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 Municipality empowered in this behalf under this Act, of any notice requiring him to discharge such obligation apply to a court of competent jurisdiction for leave to raise such funds or for such directions as he may consider necessary for such purpose.
- (2) If such receiver or agent or trustee fails to apply to a court of competent jurisdiction under sub-section (1) or after such court has granted leave to raise funds or has issued directions, fails to discharge such obligation or to comply with such directions within twelve months of such leave or such directions he shall be personally liable to discharge such obligation.

H. Payment of Compensation

414. In any case not otherwise expressly provided for in this Act or the rules or the regulations made thereunder the Chief Municipal Executive Officer/ Municipal Executive Officer may with the prior approval of the Empowered Standing Committee pay compensation to any person who sustains damage by reasons of the exercise of any of the powers vested by this Act or the rules or the regulations made thereunder on the Chief Municipal Executive Officer/ Municipal Executive Officer or on any other officer or other employee of the Municipality. General power of Municipality to pay compensation.

Compensation to be paid for damage to property of Municipality.

415. (1) Any person who has been convicted of any offence under this Act or the rules or the regulations made thereunder shall without prejudice to any punishment to which he may be subject be liable to pay such compensation for any damage to any property of the Municipality 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) such amount shall on an application, in writing made by such person to the Magistrate who convicts such person of such offence be determined by such Magistrate and if the amount of compensation so determined is not paid by such person, such amount shall be recovered under a warrant from such Magistrate as if it were a fine imposed by him on the person liable thereof.

I. Recovery of expenses or compensation in case of disputes

Reference by Municipality to Civil Court in certain cases of recovery of expenses.

416. (1) If in respect of any expenses referred to in section 407, any dispute arises, the Chief Municipal Executive Officer/ Municipal Executive Officer shall refer such dispute to the Civil Court having jurisdiction for determination.
- (2) Upon such reference, the Chief Municipal Executive Officer/ Municipal Executive Officer shall defer further proceedings for the recovery of such expenses and shall recover only such amount if any as may be determined by the Civil Court having jurisdiction.

Application to Civil Court in certain cases of payment of expenses or compensation.

417. Save as otherwise provided in this Act or the rules or the regulations made thereunder or in any other law for the time being in force in the case of 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 Municipality 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.

Recovery of expenses or compensation determined under section 417.

418. If the amount of any expenses or compensation determined under section 417 is not paid on demand such amount shall be recoverable as if the same were due under a decree of the Civil Court having jurisdiction or in the manner provided in chapter XIX.

Recovery of expenses or compensation by suit in court.

419. Notwithstanding anything contained in section 418, any expenses or compensation determined under section 417 may be recovered by a suit brought in a court of competent jurisdiction.

J. Recovery of certain dues

Recovery of certain dues of Municipality.

420. Save as otherwise provided in this Act or the rules or the regulations made thereunder any sum due to the Municipality on account of any charge, cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if it were property tax.

K. Obstruction of owner by occupier

Application to Civil Court by owner when occupier prevents him from complying with the Act etc.

421. (1) Any owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of the Act or the rules or the regulations made thereunder or any requirement under any such provision in respect of such land or building shall 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) 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 provisions or the requirement as aforesaid and may also, if it thinks fit, direct that the costs of such application and order shall be paid by the occupier.
- (3) The occupier shall within eight days from the date of any order under sub-section (2) afford all reasonable facilities to the owner in compliance with such order, in the event of any continued refusal by the occupier to do so, the owner shall be discharged during the continuance of such refusal from any liability which he would otherwise have incurred by reason of his failure to comply with the provision or the requirement as aforesaid.

L. Proceedings before the Civil Court.

422. (1) 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 witness and compel them to give evidence or compel the production of documents by the same means and as far as possible in the same manner as is provided in the Code of Civil Procedure 1908 and in all matters relating to any such enquiry or proceedings the court shall be guided generally by the provisions of the Code of Civil Procedure, 1908 (5 of 1908) so far as such provisions are applicable to such inquiry or proceeding. Proceedings in Civil Court.
- (2) If in any such enquiry or proceeding any person summoned to appear before the Court fails to do so the court may proceed with such inquiry or proceeding in his absence.
- (3) The cost of every such inquiry or proceeding shall be payable by such person or persons and in such proportions or proportions as the Court may direct and the amount of such cost shall be recoverable as if the same were due under a decree of the court.
423. (1) The Municipality may specify a fee – Fees in proceedings before Civil Court.
- (a) for making under this Act any application, appeal or reference to a Civil Court having jurisdiction or
- (b) for issue of any summons or other process in inquiry or proceeding in connection with such application, appeal or reference,
- Provided that the fee, if any under clause (a) shall not in the case where the value of any claim is capable of being estimated in money, exceed the fee leviable in a similar case under the Code of Civil Procedure 1908.
- (2) No application, appeal or reference under this Act shall be received by a Civil Court having jurisdiction until the fee, if any under clause (a) of sub-section (1) has been paid,
- Provided that the Civil Court may, in any case in which it thinks fit so to do –
- (i) receive such application, appeal or reference or
- (ii) issue summons or other process, without payment of such fee.

Repayment of half of fees on settlement before hearing.

424. Whenever under this Act any application, appeal or reference to a Civil Court having jurisdiction is settled by agreement between the parties concerned before hearing of such application, appeal or reference half the amount of any fee paid by any such parties under sub-section (2) of section 423 shall be repaid by the Civil Court to such party.

M. Municipal Magistrate and proceedings before Municipal Magistrates

Municipal Magistrate.

425. (1) The State Government may, in consultation with the High Court of the State appoint one or more Judicial Magistrate of the First Class for the trial of offence against –
- (a) this Act, and
 - (b) the rules and the regulations made thereunder,
- and may prescribed the time within which and the place at which such Judicial Magistrate or Judicial Magistrates shall sit for such trial of offences.
- (2) Every such Judicial Magistrate shall exercise all other powers and discharge all the other functions of a Magistrate as provided in this Act.
- (3) Every such Judicial Magistrate appointed under sub-section (1) shall be called Municipal Magistrate.
- (4) A Municipal Magistrate shall be paid by the State Government such salary, pension, leave and other allowances as it may from time to time determine.
- (5) The Municipality shall pay to the Municipal Magistrate out of the Municipal Fund and amount paid by the State Government on account of salary, pension, leave and other allowances of a Municipal Magistrate together with the cost of establishment of such Municipal Magistrate and all other incidental charge in such connection with such establishment.
- (6) Each Municipal Magistrate shall have jurisdiction over such municipal area or areas as may be specified by the State Government by notification.
- (7) The procedure in the court of a Municipal Magistrate shall except where otherwise specifically provided in this Act be in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1973).

Certain offences to be cognizable.

426. The offences mentioned under section 340, section 350, section 353, section 397 and section 462 shall be cognizable within the meaning of the Code of Criminal Procedure, 1973.

Power of Municipal Magistrate to hear cases in absence of accused summoned to appear.

427. 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 –
- (a) Service of the summons is to his satisfaction, proved to have been effected and,
 - (b) No sufficient cause is shown for non-appearance of such person.
- Hear and determine such case in the absence of such person.

Limitation of time for prosecution.

428. No person shall be liable to any punishment for an offence under this Act or the rules or the regulations made thereunder unless a complain of such offence is made before a Municipal Magistrate within six months next after –
- (a) the date of commission of such offence or,
 - (b) the date on which the commission or the continuance of such offence is first brought to the notice of the Municipality or the Chief Municipal Executive Officer/ Municipal Executive Officer.

429. (1) The Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality authorized by him in this behalf in writing or any person who resides or owns property in the municipal area, may complain of the existence of any nuisance to a Municipal Magistrate. Complaint regarding nuisance and removal thereof.
- (2) Upon receipt of any such complaint, the Municipal Magistrate after making such inquiry as he considers necessary may if he thinks fit by an order in writing –
- (a) direct the person responsible for such nuisance or the owner of the land or the building on which such nuisance exists to take within such period as may be specified in the order such measures for abating, preventing removing or remedying such nuisance as may appears to the Municipal Magistrate to be practicable and reasonable and may direct the Chief Municipal Executive Officer/ Municipal Executive Officer to enforce any of the provisions of this Act or the rules or the regulations made thereunder for prevention of such nuisance and
 - (b) further direct the person held responsible for the nuisance to pay to the complainant such reasonable cost of the complaint (including compensation for loss of time in prosecution such complaint) as the Municipal Magistrate may determine :

Provided that where in the opinion of the Municipal Magistrate, immediate action to prevent the nuisance is necessary he may dispense with the inquiry and make forthwith such order as he may consider necessary.

- (3) If any person responsible for any nuisance or any owner of any land or building on which any nuisance exists fails to comply with any order under sub-section (2) within the period specified in the order, the Chief Municipal Executive Officer/ Municipal Executive Officer may on the expiry of such period proceed to take necessary action in accordance with the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he may consider necessary and the cost of any such action shall be recovered from such person or such owner as the case may be.
430. (1) If under this Act or the rules or the regulations made thereunder any person is in respect of any unlawful work liable – Power of Municipal Magistrate to direct payment of fine and demolition of unlawful works.
- (a) to pay any fine and also
 - (b) to demolish such work,
- the Municipal Magistrate having jurisdiction may in his discretion, direct such person to pay the fine and also to demolish the work.
- (2) All sums realized on account of fine under this section shall be credited to the Municipal Fund.

N. Legal Proceedings

431. The Chief Municipal Executive Officer/ Municipal Executive Officer may :- Power to institute etc. legal proceedings and to obtain legal advices.
- (a) take or withdraw from proceeding against any person who is charge 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 Municipality or the due administration of this Act or
 - (iii) committing any nuisance whatsoever or

- (b) contest or compromise any appeal against assessment of any tax or rate or,
- (c) take or withdraw from or compromise any proceeding under this Act for the recovery of expenses or compensation claimed to be due to the Municipality or
- (d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person or,
- (e) defend any suit or other legal proceeding brought against the Municipality or against any municipal authority or any officer or other employee of the Municipality in respect of anything done or omitted to be done by the Municipality or such municipal authority or officer or other employee under this Act or the rules or the regulations made thereunder in the official capacity or
- (f) compromise with the approval of the Empowered Standing Committee or where there is no Empowered Standing Committee with the approval of the Municipality any claim suit or other legal proceeding brought against the Municipality or any municipal authority or any officer or other employee of the Municipality in respect of anything done or omitted to be done under any of the foregoing clauses of this section or,
- (g) withdraw from or compromise any claim against any person in respect of a penalty payable under any contract entered into with such person by the Chief Municipal Executive Officer/ Municipal Executive Officer on behalf of the Municipality or,
- (h) institute or prosecute any suit or other legal proceeding or with the approval of the Empowered Standing Committee or where there is no Empowered Standing Committee with the approval of the Municipality withdraw from or compromise any suit or claim other than a claim referred to in clause (d) instituted or made as the case may be in the name of the Municipality or the Chief Municipal Executive Officer/ Municipal Executive Officer or,
- (i) obtain for any of the purpose mentioned in the foregoing provisions of this section or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon, any municipal authority or any officer or other employee or the Municipality such legal advise and assistance as he may from time to time consider necessary or expedient or as he may be required by the Municipality or the Empowered Standing Committee to obtain.

Notice limitations and tender of amends in suits against Municipality etc.

432. (1) No suit shall be instituted in any court having jurisdiction against any municipal authority or any officer or other employee of the Municipality or any person acting under the direction of any municipal authority or any officer or other employee of the Municipality 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).

- (3) If the municipal authority at the office of which or the officer or the other employee of the Municipality or the person acting under the direction of any municipal authority or any officer or other employee of the Municipality at the office or the residence of whom, a notice has been delivered or left under sub-section (1), satisfies the court having jurisdiction that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.
- (4) Nothing in the foregoing provisions of this section shall apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (47 of 1963).

433. No suit shall be maintainable against any municipal authority or any officer or other employee of the Municipality or any person acting under the direction of any municipal authority or any officer or other employee of the Municipality or a Magistrate in respect of anything done lawfully and in good faith with due care and attention under this Act or the rules or the regulations made thereunder. Indemnity.

O. Power and duties of Police Officer

434. (1) Every Police- Officer-in-Charge of a police station within the jurisdiction of the Municipality and every officer and every other employee, subordinate to him, if any (hereinafter referred to in this section as the designated authority) shall – Co-operation of police.
- (a) co-operative with the Municipality for carrying into effect and enforcing the provisions of this Act and for maintaining good order in and outside the municipal area and,
- (b) assist the Municipality or the Municipal Executive Officer or any other officer or other employee of the Municipality in carrying out any order made by a Magistrate under this Act.
- (2) It shall be the duty of every police officer –
- (i) to communicate without delay to the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality any information which he received in respect of any design to commit or any commission of any offence under this Act or the rules or the regulations made thereunder and,
- (ii) to assist the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee of the Municipality requiring his aid for the lawful exercise of any power vesting in the Municipality or the Chief Municipal Executive Officer/ Municipal Executive Officer or such other officer or other employee under this Act or the rules or the regulations made thereunder.
- (3) Any officer or other employee of the Municipality may when empowered by a general or special order of the designated authority, if any on the recommendation of the Municipality in that behalf, exercise the powers of a police for such of the purposes of this Act as may be specified in such general or special order.
- (4) The District Magistrate, the Sub-Divisional Magistrate and the officer under them and the other employee subordinate to them shall cooperate with the municipal authorities in the performance of their duties under this Act.
435. (1) Any Police Officer may arrest any person who commits in his view, any offence under this Act or the rules or the regulations made thereunder provided that such person declines to give on demand his name and address or gives a name or address which the Police Officer has reason to believe to be false. Power of police to arrest offenders.

- (2) No person so arrested shall be detained in custody after his correct name and address are ascertained or without the order of a Municipal Magistrate for a period longer than twenty four hours from the time of arrests, exclusive of the period necessary for the journey from the place of arrest to the court of such Municipal Magistrate.
- (3) On an application in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer authorised by him in this behalf, any police officer above the rank of a constable shall arrest any person who obstructs the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer or other employee of the Municipality in the exercise of any power or performance of any function or discharge of any duty under this Act or the rules or the regulations made thereunder.
- (4) On an application in writing of the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer, not below the rank of an officer authorized in this behalf by the Chief Municipal Executive Officer/ Municipal Executive Officer under sub-section (3), any police officer above the rank of a constable shall arrest any person who is violation of the order referred to in sub-section (1) of section 350 commences the erection of a building or execution of any work referred to in that sub-section or carries on such erection or such execution.

P. General provisions

Validity of notice and other documents.	436.	No notice requisition license or permission in writing or any other document issued under this Act shall be invalid merely by reason of defect form.
Admissibility of documents or entry as evidence.	437.	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 Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transaction therein recorded in every case where and to the same extent to which the original document or entry would if produced have been admissible to prove such matters and transactions.
Evidence of officer or employee of Municipality.	438.	No officer or other employee of the Municipality shall in any legal proceeding to which the Municipality is not a party be required to produce any register or document the contents of which can be proved under section 422 by a certified copy or to appear as a witness to prove any matter or transaction recorded therein, save by an order made by a court having jurisdiction.
Prohibitions against obstruction of Chief Councillor or any municipal authority etc.	439.	<p>No person shall obstruct or molest –</p> <ul style="list-style-type: none"> (a) any municipal authority or the Chief Councillor or the Deputy Chief Councillor or a Councillor or the Chief Municipal Executive Officer/ Municipal Executive Officer or any employee of the Municipality or any person employed by the Municipality or, (b) any person authorised or empowered by or under this Act or with whom the Municipality or any of the municipal authorities has lawfully entered into a contract, <p>in the performances of his or its duty or in the execution of his or its work or anything which he or it is empowered or required to do by virtue or in consequence of any provision of this Act or the rules or the regulation made thereunder or in the fulfillment of the contract as the case may be.</p>

440. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or the rules or the regulations made thereunder. Prohibition against removal of mark.
441. No person shall without authority remove, destroy, deface or otherwise obliteration any notice exhibited by or under the order of the Municipality or any municipal authority or any officer or other employee of the Municipality specified by the Chief Municipal Executive Officer/ Municipal Executive Officer in this behalf. Prohibition against removal or obliteration of notice.
442. No person shall without authority in that behalf remove earth, sand or other material from or deposit any matter in or make any encroachment on any land vested in the Municipality or in any way obstruct such land. Prohibition against unauthorized dealing with public places or materials.
443. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property owned by vested in the Municipality if such loss, waste or misapplication is a direct consequence of his neglect or misconduct in the performance of his duty and he may after being given opportunity by a notice served in the manner provided for the service of summons in the Code of Civil Procedure 1908 (5 of 1908) to show caused by a representation in writing or oral, why he should not be required to make good the loss by order be surcharged with the value of such property or the amount of such money by the Director of Local Bodies and if the amount is not paid within one month of the expiry of the period of appeal specified in sub-section (2) it shall be recoverable as an arrear of tax leviable under this Act. Liability for loss, waste or misapplication of money or property of Municipality.
- (2) The person against whom an order under sub-section (1) is made may within thirty days of the date of communications of the order, appeal to the State Government and the State Government may confirm, modify or disallow the surcharge :
- Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years or in the case of a Councillor after a period of one year from the occurrence of such loss or waste or misapplication.
444. Every Councillor, the Chief Municipal Executive Officer/ Municipal Executive Officer and every other officer or other employee of the Municipality shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860). Councillors and officers and other employees of Municipality to be public servants.
445. Save as otherwise expressly provided in this Act, nothing contained in this Act shall be constructed to authorised the Municipality or any municipal authority or any officer or other employee of the Municipality to disregard any law for the time being in force. Other laws not to be disregarded.

Chapter - XLIII

Rules and Regulations

446. (1) The State Government may by notification and subject to the condition of previous publications make rules for carrying out the purposes of this Act. Power to make rules..
- (2) Any rules made under this Act may, provide that any contravention thereof shall be punishable with fine which may extend to five thousand rupees.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature while it is in session for a total period of ten days which may be

comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rules or the State Legislature agrees that the rules should not be made the rule shall thereafter have effect only in such modified form or be of no effect as the case may be so however that such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under the rule.

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| Power to amend Schedule. | 447. | The State Government may by notification add to amend or alter the Schedule to this Act. |
| Power to make regulations. | 448. | The Municipality may from time to time make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the purpose of giving effect to the provisions of this Act. |
| Conditions precedent to making of regulations. | 449. | <p>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 :</p> <p>(a) such draft of regulations shall not be further proceeded with until a period of one month has expired from the date of such publications.</p> <p>(b) for not less than one month during such period, a printed copy of such draft shall be kept in the office of the Municipality for public inspection and any person shall be permitted at any reasonable time to peruse such draft free of charge and,</p> <p>(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.</p> |
| Regulations to be subject to approval of State Government. | 450. | <p>(1) No regulation made by the Municipality under this Act shall have any effect until it has been approved by the State Government and published in the <i>Official Gazette</i>.</p> <p style="padding-left: 40px;">(iii) Before approving any regulations, the State Government may make such changes therein as may appear to it to be necessary.</p> |
| Powers of State Government to cancel or modify regulations. | 451. | <p>(1) If the State Government is at any time of the opinion that any regulations should be cancelled or modified, either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Municipality and shall specify a reasonable period within which the Municipality may make such representation with regard thereto as it may think fit.</p> <p>(2) After receipt and consideration of any such representation or if in the meantime no such representation is received after the expiry of the period as aforesaid, the State Government may at any time by notification cancel or modify such regulations either wholly or in part.</p> <p>(3) The cancellation or modification of any regulation under sub-section (2) shall take effect from such date as the State Government may specify in the notification under that sub-section or if no such date is specified, from the date of publication of such notification :</p> |

Provided that such cancellation or modification shall not affect anything done or suffered or omitted to be done under such regulation before such date.

- (4) Any modification under sub-section (2) shall also be published in local newspapers.
452. Any regulations which may be made by the Municipality under this Act may be made by the State Government within one year from the date of commencement of this Act and any regulations so made may be altered or rescinded by the Municipality with the approval of the State Government. Supplemental provisions respecting regulations.
453. (1) Any regulations made under this Act may provide that a contravention thereof shall be punishable – Penalty for breach of regulation.
- (a) with fine which may extend to two thousand and five hundred rupees or,
- (b) with fine which may extend to two thousand and five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to two hundred and fifty rupees for every day during which such contravention continues after conviction for the first of such contravention or,
- (c) with fine which may extend to two hundred and fifty rupees for every day during which the contravention continues after the receipt by the person contravening the regulation of a notice requiring such person to discontinue such contravention from the Chief Municipal Executive Officer/ Municipal Executive Officer or any other officer of the Municipality, duly authorized in that behalf.
- (2) Any such regulation may also provide that a person contravening that regulations shall be required to remedy so far as lies in his power the mischief if any caused by such contravention.
454. (1) A copy of all rules and regulations made under this Act shall be kept at the office of the Municipality and shall during office hours be open free of charge to inspection by any inhabitant of the municipal. Rules and regulations to be available for inspection and purchase.
- (2) Copies of such rules and regulations shall also be kept at the office of the Municipality and shall be sold to the public at such price as the Empowered Standing Committee may determine.
455. If any doubt arises as to the municipal authority to which any particular power, duties or function appertains the Chief Councillor shall refer the matter to the State Government and the decision of the State Government thereon shall be final. Doubts as to powers, duties or functions of municipal authorities.

Chapter XLIV Offences and Penalties

456. Whoever – Punishment for certain offence.
- (a) contravenes any provisions of any of the sections, sub-section, clauses, provisos or any other provision of this Act or,
- (b) fails to comply with any order lawfully given to him or any requisition, lawfully made upon him under any of the said section, sub-sections, clauses, provisos or other provisions.
- Shall be punishable –
- (i) with fine which may extend to such amount or with imprisonment which may extend to such period, as the State Government may by rules, provide and,

- (ii) in the case of continuing contravention or failure with an additional fine which may extend to such amount as the State Government may by rules provide for every day during which such contravention or failure continues after conviction for the first such contravention or failure :

Provided that in the case of a Class 'A' Municipal Council or a Class 'B' Municipal Council or a Class 'C' Municipal Council or Nagar Panchayat, the amount to which the fine may extend for various offences shall be such as the State Government may by rules, provide and in the case of continuing contravention or failure the daily additional fine may extend to one tenth of the maximum amount of fine provided for such class of municipalities in such rules.

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| Punishment for acquiring share or interest etc. with Municipality . | 457. | Any Councillor who knowingly acquires directly or indirectly any share or interest in any contract made with or any work done for the Municipality except as a shareholder (other than a Director) in an incorporated company or as a member of a co-operative society shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code. |
| Fine for not paying tax under chapter XVII. | 458. | If any person erects, exhibits, fixes or retains any advertisement referred to in chapter XVII without paying any tax under that chapter, he shall be punished with fine which –
(a) may extend to an amount equal to five times the amount payable as such tax and
(b) shall not ordinarily be less than an amount equal to two times of such tax. |
| Fine for putting building to any use other than that for which a licence has been granted. | 459. | 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 sub-section (1) of section 369 or as a stable or cattle-shed or cow house, then such person shall without prejudice to any other penalty to which he may be subjected, be liable to a fine which may extend in the case of a masonry building to two hundred and fifty rupees and in the case of a hut to twenty five rupees and in the case if continuance of such use to a further fine which may extend in the case of a masonry building to fifty rupees and in the case of a hut to five rupees for each day during which such use continues after the first day. |
| Penalty for obstructing contractor. | 460. | Whoever obstructs or molests any person with whom the Municipality has entered into a contract for execution of any work under this Act shall on convictions be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees. |
| Penalty for causing damage to property belong to Municipality. | 461. | No person shall cause any damage to any property belonging to the Municipality. Any person causing any damage to any property belonging to the Municipality shall on conviction be punished with fine which may extend to one thousand rupees. |
| Encroachment on streets. | 462. | No person shall cause any encroachment or obstruction on any municipal property such as a street or footpath or park without specific permission of an officer of the Municipality duly authorised to grant such permission. Any person causing such encroachment or obstruction on any municipal property as aforesaid shall on conviction be punishable with fine which may extend to one thousand rupees. |
| Punishment of imprisonment in default of payment of fine. | 463. | 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. |

464. 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 provision thereof or otherwise contravenes any of the provisions of this Act shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing failure or contravention with an additional fine which may extend to one hundred rupees for every day after the first during which he has persisted in such failure or contravention. General penalty.
465. (1) Where an offence under this Act has been committed by a company every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be liable to be proceeded against and punished accordingly –
- Explanation* :- For the purpose of this section –
- (a) “company” means body corporate and includes a firm or other association of individuals and
- (b) “director” in relation to a firm, means a partner in the firm.
466. 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 Chief Municipal Executive Officer/ Municipal Executive Officer or any person authorised by him, by general or special order in this behalf. Prosecution.
467. (1) The Chief Municipal Executive Officer/Municipal Executive Officer or if so authorised by the Municipality in this behalf by a general or special order Municipal Health Officer, the Municipal Engineer or any other officer of the Municipality may either before or after the institutions of the proceeding and on payment of such fee as may be specified by regulations, compound any offence as may be classified as compoundable by the State Government by rules. Compounding of offences.
- (2) Notwithstanding anything contained in sub-section (1) no offence punishable by or under this Act or by any rule or regulations made thereunder shall be compoundable if such offence is committed due to the failure to comply with any notice, order or requisition as the case may, be issued by or on behalf of any of the municipal authorities referred to in section 20, unless and until such notice, order or requisition as the case 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 discharge and no further proceeding shall be taken against him in respect of the offence so compounded.

Chapter - XLV

Supplemental Provisions

Powers of State Government to notify intention to extend Act to other areas.

A. Extension of Act to other area and inclusion or exclusion

of areas within or from the Municipal area.

468. Notwithstanding anything contained in any other law for the time being in force, the State Government may by notification and in such other manner as it may determine, declare its intention to extend, subject to such modification and restriction, if any as may be specified in the notification, all or any of the provisions of this Act to any other area.

Provisions of the chapter to override other provisions.

B. Miscellaneous and Transitory Provisions

Removal of difficulties.

469. The provision of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act.

470. If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion may required by order do or cause to be done anything which may be necessary for removing the difficulties :

Provided that no such order shall be made after the expiry of a period of five years from the date of commencement of this Act.

Repeal and savings.

Transitory provisions.

471. With effect from the date of coming into force of this Act/ the other relevant laws/Acts which has taken in the domain of Municipality shall stand repealed.
472. (1) Notwithstanding anything to the contrary contained elsewhere in this Act, the State Government may appoint a person to be called the Administrator to exercise all the powers and discharge all the functions of the municipal authorities mentioned in section 20 for the period from the date of coming into force of this Act till the first meeting of the Municipality at which a quorum is present.
- (2) The Administrator appointed under sub-section (1) may constitute such Committees and for such period as he may deem fit.
- (3) Each such Committee shall consist of not more than twenty five person appointed on such terms and conditions as he Administrator may deem fit and shall advise the Administrator in the discharge of his functions under this Act.

SCHEDULE

(See section 369)

**PROPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A
LICENCE OR WRITTEN PERMISSION.**

1. Aerated water – manufacturing
2. Aerated waters - manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
3. Aloe fibre and yarn – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

4. Ammunition – Storing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
5. Arecanut – soaking of
6. Article made of flour – baking, preparing, keeping or storing for human consumption (for other than domestic use).
7. Asafetida – storing.
8. Asafetida – except for domestic purposes.
9. Ash – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
10. Ashes –except for domestic purposes.
11. Autocar or Autocycle servicing or repairing.
12. Bakelite goods – manufacturing or processing.
13. Bakelite goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
14. Bamboo – storing for sale, hire or manufacture.
15. Bamboos – except for domestic purposes.
16. Banking
17. Bidi leaves – storing or processing.
18. Bidi leaves – except for domestic purposes.
19. Biddies (indigenous cigarettes) snuff, cigars or cigarettes manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process whatsoever.
20. Biscuit – baking, preparing, keeping or storing for human consumption (for other than domestic use).
21. Bitumen – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
22. Blacksmith.
23. Blasting powder – storing.
24. Blasting powder – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
25. Blasting powder – except for domestic purposes.
26. Blood – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
27. Blood – except for domestic purposes.
28. Bone – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
29. Bones, bone meal or bone powder – except for domestic purposes.
30. Bone – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
31. Bread – baking, preparing, keeping or storing for human consumption (for other than domestic use).
32. Brick – manufacturing
33. Bricks or tiles by hand power – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
34. Bricks or tiles by Mechanical power – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
35. Brushes – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

36. Camphor – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever or boiling.
37. Camphor – except for domestic purposes.
38. Candle – Packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
39. Candle – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
40. Carbide of calcium – storing.
41. Carbide of calcium – except for domestic purposes.
42. Cardboard – storing.
43. Cardboard – except for domestic purposes.
44. Carpet – manufacturing.
45. Cashewnut – storing, packing, preparing or manufacturing by any process whatsoever.
46. Catgut – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
47. Catgut – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
48. Celluloid goods – storing.
49. Celluloid or celluloid goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
50. Celluloid or celluloid goods – except for domestic purposes.
51. Cement – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
52. Cement concrete designs or models – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
53. Charcoal – dumping, shifting, selling or storing.
54. Charcoal – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
55. Charcoal – except for domestic purposes.
56. Chemicals – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
57. Chemicals preparation – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
58. Chemicals, liquid – except for domestic purposes.
59. Chemical, non-liquid – except for domestic purposes.
60. Chilli –grinding by machinery.
61. Chilli (Dried) – selling wholesale or storing for wholesale trade.
62. Chilli – except for domestic purposes.
63. Chillis or masala or corn or seeds. Grinding of by mechanical means.
64. Chlorare mixture – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
65. Chlorate mixture – except for domestic purposes.
66. Cinder – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever or dumping or shifting.

67. Cinematograph films stripping in connection with any trade manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
68. Cinematograph film –shooting of, treating or processing.
69. Cinematograph films non-flammable or acetateorsafety base –except for domestic purposes.
70. Cloth – dyeing, bleaching, mercerizing or storing.
71. Cloth is pressed bales or boras – except for domestic purposes.
72. Cloth or clothes of cotton, wool, silk, art silk etc. – except for domestic purposes.
73. Cloth yarn or leather in indigo or in other colours. Dyeing or printing.
74. Cloth or yarn, bleaching.
75. Coal – dumping, shifting, selling or storing.
76. Coal – except for domestic purposes.
77. Coconut fibre – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
78. Coconut fibre – except for domestic purposes.
79. Coconut husk – soaking of.
80. Coconut shell – storing.
81. Coir yarn – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
82. Coke – storing.
83. Coke – except for domestic purposes.
84. Combustible material – storing.
85. Combustible – baking, preparing, keeping or storing for human consumption (for other than domestic use).
86. Compound gas (oxygen, nitrogen, hydrogen, carbon dioxide, sulphur, chloride, acetylene) – storing.
87. Compound gas (oxygen, nitrogen, hydrogen, carbon dioxide, sulphur, chloride, acetylene) – except for domestic purposes.
88. Coppersmithy.
89. Copra – preparing or storing or selling wholesale.
90. Copra – except for domestic purposes.
91. Cosmetics or toilet goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
92. Cotton of all kinds, cottons seed – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
93. Cotton seeds – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
94. Cotton seed – except for domestic purposes.
95. Cotton including kahok, surgical cotton and silky cotton – except for domestic purposes.
96. Cotton refuse of waste or cotton yarn refuse or waste – except for domestic purposes.
97. Cotton, cotton refuses, cotton waste, cotton yarn, silk, silk yarn inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woolen refuse or waste – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

98. Cow-dungs cake – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
99. Dammar (Resin) – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
100. Detonators – storing.
101. Detonators – except for domestic purposes.
102. Drug – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
103. Drugs – details sale of.
104. Dry leaf – storing.
105. Dry leaves – except for domestic purposes.
106. Dye (Stuff) – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
107. Dynamite – storing.
108. Dynamite – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
109. Dynamite – except for domestic purposes.
110. Eating house or catering establishment. Keeping of an.
111. Electroplating.
112. Explosive – Storing.
113. Explosive paint (nitro-cellulose, lacquer, enamel) – storing.
114. Explosive paint (nitro-cellulose, lacquer, enamel) – except for domestic purposes.
115. Fat – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
116. Fat – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
117. Fat – except for domestic purposes.
118. Felt – storing.
119. Felt – except for domestic purposes.
120. Fibre – selling or storing.
121. Fin – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
122. Fins – except for domestic purposes.
123. Firewood – selling or storing.
124. Firewood – except for domestic purposes.
125. Fireworks – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
126. Fireworks – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
127. Fireworks – except for domestic purposes.
128. Fish – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
129. Fish (dried) – except for domestic purposes.
130. Fish oil – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
131. Flax- storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

132. Flax – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
133. Flax – except for domestic purposes.
134. Fleshing – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
135. Flour – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
136. Food – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
137. Food – Retail sale of.
138. Fuel – using for any industrial purpose.
139. Fulminate – except for domestic purposes.
140. Fulminate of mercury – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
141. Fulminate of mercury – except for domestic purposes.
142. Fulminate of silver – except for domestic purposes.
143. Furniture – making or storing for sale.
144. Gas – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
145. Gas – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
146. Gelatine –storing.
147. Gelatine – except for domestic purposes.
148. Gelnite –except for domestic purposes.
149. Ghee – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
150. Ghee – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
151. Glass or glass articles – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
152. Glass leveling.
153. Glass cutting.
154. Glass polishing.
155. Gold –refining.
156. Goldsmithy.
157. Grain – selling wholesale or storing for wholesale trade.
158. Grain – Parching.
159. Gram – husking by machinery.
160. Grass – storing.
161. Grass – except for domestic purposes.
162. Groundnut – selling wholesale or storing for wholesale trade.
163. Groundnut seeds, tamarind or any other seeds, parching.
164. Gun-cotton – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

165. Gun – cotton – except for domestic purposes.
166. Gunny bag – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
167. Gunny bag – except for domestic purposes.
168. Gunpowder – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
169. Gunpowder – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
170. Gunpowder – except for domestic purposes.
171. Hair – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
172. Hair – except for domestic purposes.
173. Hair dressing saloon or a barber's shop. Keeping of.
174. Hay – selling or storing.
175. Hay or fodder – except for domestic purposes.
176. Hemp – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
177. Hemp – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
178. Hemp – except for domestic purposes.
179. Hessain cloth – storing.
180. Hessain cloth (Gunny bag cloth) – except for domestic purposes.
181. Hides – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
182. Hides (dried) – except for domestic purposes.
183. Hides (raw) – except for domestic purposes.
184. Hides or skins, whether raw or dried. Tanning, pressing or packing.
185. Hoof – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
186. Hoofs – except for domestic purposes.
187. Horn – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
188. Horns – except for domestic purposes.
189. Ice – manufacturing
190. Ice (including dry ice) – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
191. Incense – storing
192. Incense of esas – except for domestic purposes.
193. Ink for printing, printing, stamping etc. – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
194. Insecticide or disinfectants – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
195. Jaggery – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
196. Jute – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
197. Jute – except for domestic purposes.
198. Khaki – preparing

199. Khokas, boxes, barrels, furniture or any other article of wood – except for domestic purposes.
200. Keeping of horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the product thereof.
201. Lac – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
202. Lacquer – except for domestic purposes.
203. Laundry shop. Keeping.
204. Lead – melting.
205. Leather – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
206. Leather cloth or rexina cloth or water proof cloth – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
207. Leather goods, manufacturing of by mechanical means.
208. Leather – except for domestic purposes.
209. Lime – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
210. Lime – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
211. Limeshell –storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
212. Linseed oil – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
213. Litho press. Keeping a—
214. Lodging house. Keeping of a—
215. Machinery – using for any industrial purpose.
216. Manure – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
217. Marble cutting, grinding, dressing or polishing.
218. Match – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
219. Matches for lighting (including Bengal matches) – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
220. Matches for lighting (including Bengal matches) – except for domestic purposes.
221. Matirf-clifs and nillfiws – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
222. Meat – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
223. Metal (ferrous or non-ferrous or antimony by excluding precious metal) cutting or treating metal by hammering, drilling, pressing, filling, polishing, heating or by any other process whatever or assembling part of metal.
224. Metal (including precious metals) – beating, breaking, hammering and casting.
225. Methylated spirit or denatured spirit – storing.
226. Methylated spirit, denatured spirit or French polish – except for domestic purposes.
227. Nitro – cellulose – except for domestic purposes.
228. Nitro – compound – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
229. Nitro- compound – except for domestic purposes.
230. Nitro – glycerine –except for domestic purposes.

231. Nitro – mixture – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
232. Nitro – mixture – except for domestic purposes.
233. Offal – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
234. Offal – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
235. Offal – except for domestic purposes.
236. Oil – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
237. Oil other than petroleum (either by mechanical power or by hand power or ghani driven by bullock or any other animal) – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
238. Oil other than petroleum – except for domestic purposes.
239. Oil – cloth – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
240. Oilseeds – storing.
241. Oilseeds including almonds but excluding cotton seeds – except for domestic purposes.
242. Old paper or waste paper including old newspaper, periodicals, magazines etc. except for domestic purposes.
243. Packing stuff (paper cutting, husic, saw dust etc.) – except for domestic purposes.
244. Paddy – boiling or husking by machinery.
245. Paint – manufacturing or storing.
246. Paints – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
247. Paints – except for domestic purposes.
248. Paper – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
249. Paper other than old in pressed bales or loose or in reams – except for domestic purposes.
250. Paper or cardboard – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
251. Petroleum product – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
252. Petroleum product other than dangerous petroleum as defined in the Petroleum Act. 1934 – except for domestic purposes.
253. Pharmaceutical or medical products – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
254. Photography – studio.
255. Phosphorous – storing.
256. Phosphorous – except for domestic purposes.
257. Pickers from hides – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
258. Pitch – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
259. Pitch – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
260. Plastic or plastic goods – manufacturing or storing.
261. Plastic goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.

262. Plastic or plastic goods – except for domestic purposes.
263. Plywood – storing
264. Plywood – except for domestic purposes.
265. Polythene – manufacturing or storing.
266. Pottery – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
267. Pottery by hand power – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
268. Pottery by mechanical or any power other than hand power manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
269. Precious metals, Refining of or recovering them from embroideries.
270. Printing press. Keeping a —
271. Radio – manufacturing, assembling, servicing and repairing.
272. Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
273. Rags including small piece or cuttings of cloth, Hessian cloths, gunny – bag, cloth silk, art silk or woolen cloth – except for domestic purposes.
274. Resin (including rosin) – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
275. Rosin or dram mar Battar otherwise known as Ral – except for domestic purposes.
276. Rubber or rubber goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
277. Rug – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
278. Safety fuses, fog signals, cartridge etc. – except for domestic purposes.
279. Sago – manufacturing or distilling.
280. Salpetre – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
281. Salpetre – except for domestic purposes.
282. Sandalwood – except for domestic purposes.
283. Sanitary ware of china – ware – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
284. Shellac – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
285. Silk – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
286. Silk waste or silk yarn waste, art silk waste or art silk yarn waste – except for domestic purposes.
287. Silversmithy.
288. Sisal fibre – storing.
289. Sisal fibre – except for domestic purposes.
290. Skin – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
291. Skin (raw or dried) – except for domestic purposes.
292. Soap – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
293. Soap – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
294. Spinning or weaving cotton, silk, art silk or jute or wool with the aid of power.
295. Spirit – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.

296. Stone grinding, cutting, dressing or polishing.
297. Straw – selling or storing.
298. Straw – except for domestic purposes.
299. Sugar – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
300. Sugar – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
301. Sugar candy – packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
302. Sulphur – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
303. Sulphur – except for domestic purposes.
304. Surki – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
305. Sweetmeat – baking, preparing, keeping or storing for human consumption (for other than domestic use).
306. Sweetmeat and confectionery goods – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
307. Sweetmeat shop except in premises already licensed as an eating house. Keeping.
308. Tallow – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
309. Tallow – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
310. Tallow – except for domestic purposes.
311. Tar – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
312. Tar – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
313. Tar – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
314. Tarpaulin – storing.
315. Tarpaulin – except for domestic purposes.
316. Thatching material – selling or storing.
317. Thinner – storing
318. Thinner – except for domestic purposes.
319. Tiles – manufacturing.
320. Timber – selling or storing
321. Timber – except for domestic purposes.
322. Timber or wood sawing or cutting by mechanical or electric power.
323. Tinsmithy.
324. Tobacco (including snuff, cigar, cigarette and Bidi) – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
325. Turpine – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
326. Turpine – except for domestic purposes.
327. Varnish – manufacturing or storing.
328. Varnish – manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
329. Varnish – except for domestic purposes.
330. Washerman’s trade.

331. Welding of metal by electric, gas or any process whatsoever.
332. Wooden furniture, boxes, barrel, kokas or other articles of wood or of plywood or of sandalwood manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process, whatsoever.
333. Wool – storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever.
334. Wool (raw) – except for domestic purposes.
335. Yarn – dyeing or bleaching.
336. Yarn other than waste yarn – except for domestic purposes.
337. Manufacturing article from which offensive or unwholesome smell, fume, dust or noise arises.

Sunil Chaudhury,
Secretary to the
Government of Arunachal Pradesh,
Naharlagun.

GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 29th October, 2010

No. LAW/LEGN-18/2010.—The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 28th October, 2010)

**The Arunachal Pradesh Municipal (Amendment) Act, 2010
(ACT NO. 15 OF 2010)**

AN

ACT

further to amend the Arunachal Pradesh Municipal Act, 2007 (No. 4 of 2008).

WHEREAS, the Arunachal Pradesh State Legislative Assembly was not in session.

AND WHEREAS, the Governor of the State of Arunachal Pradesh was satisfied that circumstances existed which rendered it necessary for him to take immediate action and further to amend the Arunachal Pradesh Municipal Act, 2007 (No. 4 of 2008), for the purposes hereinafter appearing and therefore, promulgated the Arunachal Pradesh Municipal (Amendment) Ordinance 2010 (No. 2 of 2010) on 5th August, 2010.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature, and therefore, hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Arunachal Pradesh Municipal (Amendment) Act, 2010. Short title and commencement.

(2) It shall be deemed to have come into force on 5th August, 2010.

Amendment
of section 36(1)
(i).

2. In the Arunachal Pradesh Municipal Act, 2007, (No. 4 of 2008), for the entries in clause (i) of sub-section (1) of section 36, the following entries shall be substituted, namely:-

“(i) The Deputy Commissioner, Capital Complex shall function as Chief Municipal Executive Officer of Municipal in Capital Region and in Districts the Deputy Commissioner or his representative of respective towns where Municipalities is constituted shall be the Executive Officer of that Municipality”.

Repeal of
Ordinance
No. 2 of 2010
and Savings.

3. (1) The Arunachal Pradesh Municipal (Amendment) Ordinance (No. 2 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

C.P. Mansai,
Secretary to the
Government of Arunachal
Pradesh, Itanagar.

GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 5th April, 2009

No. LAW/LEGN-17/2008.— The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 05-04-2009)

THE ARUNACHAL PRADESH MUNICIPAL ELECTIONS ACT, 2009.

(ACT NO. 4 OF 2009)

AN

ACT

for holding of elections to the Municipalities in the State of Arunachal Pradesh for preparation of electoral rolls and for purposes connected therewith.

BE it enacted by the Legislature of the State of Arunachal Pradesh in the Sixtieth Year of the Republic of India as follows :

CHAPTER-I

Short title, extent,
& commence-
ment.

1. (1) This Act may be called the **Arunachal Pradesh Municipal Elections Act, 2009**.
(2) It extends to the whole of the State of Arunachal Pradesh or part thereof as may be notified by the State Government.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless there is anything repugnant in the subject or context otherwise requires,- Definitions.

- (a) “article” means an article of the Constitution ;
- (b) “a citizen” means a citizen of India as defined under Article 5 of the Constitution of India ;
- (c) “Commission” means the Arunachal Pradesh State Election Commission constituted under section 104 of the Arunachal Pradesh Panchayat Raj Act, 1997 (Act No. 5 of 2001);
- (d) “Constituency” means a ward of a Municipality;
- (e) “Constitution” means the Constitution of India;
- (f) “election” means the election to fill a seat in a Municipality;
- (g) “elector”, in relation to a constituency of a Municipality, means the person whose name is entered in the electoral roll of that Municipality for the time being in force and who is not subject to any of the disqualification mentioned in section 16 of the Representation of the people Act, 1950;
- (h) “member” means a person elected at an election to fill a seat, in a Municipality;
- (i) “Municipal area” means the territorial area of a Municipality;
- (j) “Municipality” has the same meaning as in clause (e) of Article 243P of the Constitution;
- (k) “notification” means a notification published in the Official Gazette;
- (l) “order” means an order published in the Official Gazette;
- (m) “ordinarily resident” has the same meaning as assigned to it in section 20 of the Representation of the People Act, 1950;
- (n) “Panchayat” has the same meaning as in clause (e) of Article 243 of the Constitution;
- (o) “person” does not include a body of persons;
- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “public holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 ;
- (r) “Qualifying date” means the date specified as such by the Commission by notification for the purposes of this Act ;
- (s) “sign”, in relation to a person who is unable to write his name, means to authenticate in such manner as may be prescribed;
- (t) “voting machine” means any machine or apparatus, whether operated electronically or otherwise, used for giving, or recording of, votes, and any reference to a ballot-box or ballot-paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed to include a reference to a voting machine used at any election;

- (u) "ward" means an administrative division of a Municipality;
- (v) Other expressions have the meaning respectively assigned to them in the Arunachal Pradesh Municipal Act, 2008.

Power to delimit Municipal area into wards. 3. (1) Power to delimit municipal areas into wards- For the purpose of election of members of a Municipality, the Commission shall, having regard to population, dwelling pattern, geographical conditions and economic considerations of any Municipal area in each ward, divide any municipal area into such number of wards as may be determined by the State Government in this behalf ;

(2) Each ward of a Municipality shall be single-member constituency.

CHAPTER-II

Officers

Officers. 4. The State Election Commission shall, in consultation with the State Government designate or nominate a Municipal Election Officer, who shall be an officer of the Government, for the purpose of election, to exercise powers and perform functions in accordance with the provisions of this Act.

Co-ordination and supervision. 5. (1) Subject to the superintendence, direction and control of the Commission, the Municipal Election Officer shall co-ordinate and supervise all work within his jurisdiction in connection with the preparation and revision of electoral rolls for all Municipalities.

(2) The Municipal Elections Officer shall perform such other functions as may be entrusted to him by the Commission.

Preparation and revision of electoral roll. 6. (1) The State Election Commission shall, in consultation with the State Government designate or nominate a Municipal Electoral Registration Officer, who shall be an officer of the Government.

(2) The electoral roll for each Municipality shall be prepared and revised by a Municipal Electoral Registration Officer from time to time as directed by the State Election Commission.

(3) A Municipal Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the Municipality.

Functions of Assistant Municipal Electoral Registration Officer. 7. The State Election Commissioner may appoint one or more persons as Assistant Municipal Electoral Registration Officer to assist any Municipal Electoral Registration Officer in the performance of his functions.

Every Assistant Municipal Electoral Registration Officer shall, subject to the direction and control of the Municipal Electoral Registration Officer, be competent to perform any of the functions of the Municipal Electoral Registration Officer.

General duties of District Municipal Election Officer. 8. Subject to the superintendence, direction and control of the Commission, the District Municipal Election Officer shall supervise the conduct of all elections within his jurisdiction. The District Municipal Election Officer shall perform such other functions as may be entrusted to him by the Commission.

9. (1) The State Election Commission shall, in consultation with the State Government designate or nominate a Municipal Returning Officer and one or more Assistant Municipal Returning Officer, who shall be an officer of the Government. There shall be a Municipal Returning Officer for every constituency for every election to fill a seat or seats in a Municipality :
- Provided that nothing in this section shall prevent the Commission from designating or nominating the same person to be the Municipal Returning Officer for more than one constituency.
10. Every Assistant Municipal Returning Officer shall, subject to the control of the Municipal Returning Officer, be competent to perform any of the functions of the Municipal Returning Officer except scrutiny of nomination paper.
11. It shall be the general duty of the Municipal Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act or the rules or the orders made thereunder.
12. The Municipal Returning Officer shall, subject to such directions as may be issued by the Commission in this behalf, provide a sufficient number of polling stations for every constituency and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.
13. (1) There shall be a Presiding Officer and such number of Polling Officer or Officers for each polling station as the Municipal Returning Officer thinks necessary ;
- Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the Polling Officer during the absence of the former officer, and inform the Municipal Returning Officer accordingly.
- (2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer, under this Act or the rules or the orders made thereunder.
- (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer, as has been previously authorized by the Municipal Returning Officer to perform such functions during any such absence.
- (4) Any reference in this Act to the Presiding Officer shall, unless the context otherwise requires, be deemed to include a reference to any person performing any functions which he is authorized to perform under sub-section (2) or sub-section (3), as the case may be.
14. (1) It shall be the general duty of the Presiding Officer at a polling station to keep order thereat and to see that the poll is fairly taken.
- (2) It shall be the duty of the Polling Officer at a polling station to assist the Presiding Officer for such polling station in the performance of his functions.
15. (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the State Election Commission.
- Municipal Returning Officer.
- Assistant Municipal Returning Officer.
- General duty of the Municipal Returning Officer.
- Provision of polling stations for constituencies.
- Appointment of Presiding Officers and Polling Officers for Polling stations.
- General duty of the Presiding Officer and Polling Officer.
- Observers.

- (2) The Observers nominated under sub section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the results or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.
- (3) Where an observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall after taking all material circumstances into account, issue appropriate directions.

CHAPTER-III

Electoral rolls for Municipalities

Officers/ officials shall be subject to the control and discipline of the State Election Commission.

16. Municipal Election Officer, Municipal Electoral Registration Officer, Assistant Municipal Electoral Registration Officer, Municipal Returning Officer, Assistant Municipal Returning Officer, Presiding Officers, Polling Officers and any other Officer appointed under this Act and any police officer designated for the time being by the State Govt. for the conduct of any election shall be deemed to be on deputation to the State Election Commission and remain under the control, superintendence and discipline of the State Election Commission from the date of the notification calling for such elections and ending with the date of declaration of the results of such elections.

Electoral rolls for Municipalities and adoption of electoral rolls.

17. (1) The electoral roll for every Municipality shall consist of electoral rolls for all the Constituencies comprised within the Municipality and the electoral rolls of a Constituency shall be divided into different parts for different localities comprised in that Constituency.
- (2) The electoral roll for the time being in force for the election of Members to the Arunachal Pradesh Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a Municipality to such extent, and in such manner, as the State Election Commissioner thinks fit.

Condition for registration as a voter.

18. (1) Any citizens of India, who
- (a) is not less than 18 years of age on the qualifying date, and
 - (b) is ordinarily resident in a Municipal area
- shall be entitled to be registered in the electoral roll for that municipal area.
- (2) No person shall be entitled to be registered in the electoral roll for any Municipality in more than one place.
- (3) No person shall be entitled to be registered in the electoral roll for any Municipality if his name has already been registered as a voter in the electoral roll for any other Municipality or Panchayat.
- (4) No person shall be entitled to be registered in the electoral roll for any Municipality more than once.

Disqualifications for registration.

19. The disqualifications for registration in an electoral roll for a Municipality shall be the same as provided in section 16 of the Representation of the People Act, 1950.

20. If, in any case, a question arises as to whether a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and such rules as may be made in this behalf by the State Government in consultation with the Commission. Dispute as to whether a person is ordinarily resident.
21. (1) If the State Election Commissioner does not adopt the electoral roll referred to in section 17, the electoral roll for each Municipality shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act. Preparation and revision of electoral rolls.
- (2) The electoral roll shall,
- (a) unless otherwise directed by the Commission, for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date,
 - (b) before each general election to the Municipality, and
 - (c) before each bye-election to fill a casual vacancy in a seat allotted to the constituency, and
- (3) Notwithstanding anything contained in clause (a), be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Commission :
- Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.
- (4) Notwithstanding anything contained in sub-section (2), the Commission may, at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll of any Municipality in such manner as it may think fit :
- Provided that subject to the other provisions of this Act, the electoral roll for the Municipality as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.
22. If the Municipal Electoral Registration Officer for a Municipality, on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the Municipality- Correction of entries in electoral rolls.
- (a) is erroneous or defective in any particular,
 - (b) should be transposed to another place in the electoral roll on the ground that the person concerned has changed his place of ordinary residence within the jurisdiction of the Municipality, or
 - (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident within the jurisdiction of the Municipality or is otherwise not entitled to be registered in that electoral roll, the Municipal Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the Commission in this behalf, amend, transpose or delete the entry :
- Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident within the jurisdiction of the Municipality or that he is otherwise not entitled to be registered in the electoral roll of that Municipality, the Municipal Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

Inclusion of names in electoral rolls.

23. (1) Any person whose name is not included in the electoral roll of a Municipality may apply to the Municipal Electoral Registration Officer for the inclusion of his name in the electoral roll.

(2) The Municipal Electoral Registration Officer shall, if he is satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other Municipality or Panchayat, the Municipal Electoral Registration Officer shall inform the Municipal Electoral Registration Officer of that other Municipality or the Panchayat Electoral Registration Officer of that other Panchayat to that effect and the Municipal Electoral Registration Officer of that other Municipality or the Panchayat Electoral Registration Officer of that Panchayat, as the case may be, shall, on receipt of the information, strike off the applicant's name from that electoral roll.

(3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a Municipality shall be given under the section after the last date for making nominations for an election in that Municipality and before the completion of such election.

Appeal.

24. An appeal shall lie within 15 (fifteen) days time to the Municipal Officer from any order of the Municipal Electoral Officer under section 22 or section 23.

Fee for applications and appeals.

25. Every application under section 22 or section 23 and every appeal under section 24 shall be accompanied by prescribed fee which shall, fixed by the State Election Commission in consultation with the State government and such fee shall not be refundable.

CHAPTER-IV

General

Power to make rules.

26. (1) The State Government may, after consulting the Commission, by notification, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the particulars to be entered in the electoral roll;

(b) the preliminary publication of electoral rolls;

(c) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

(d) the manner in which notices of claims or objections shall be published;

(e) the place, date and time at which claims or objections shall be heard and disposed off ;

(f) the final publication of electoral rolls;

(g) the revision and correction of electoral rolls and inclusion of names therein;

(h) any other matter required to be prescribed by this Act.

(3) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the

successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

- 27.(1) Every local authority in the State shall, when so required by the Commission, make available to any Municipal Electoral Registration Officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls. Staff of local authorities.
- (2) Such staff or officials referred in sub-section (1) shall be subject to the control and discipline of the State Election Commission during such process.
28. If any person makes, in connection with- Making false declarations.
- (a) the preparation, revision or correction of an electoral roll, or
- (b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine up to rupees five thousand, or with both.
- 29.(1) If any Municipal Electoral Registration Officer, Assistant Municipal Electoral Registration Officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or inclusion or exclusion of any entry in or from such electoral roll is, without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable with fine which may extend to eight hundred rupees. Breach of official duty in connection with the preparation etc. of electoral rolls.
- (2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.
- (3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by an order of, or under the authority from the Commission.

CHAPTER - V

ELECTIONS

30. (1) Not less than one- third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women. Allotment/ Reservation of seats.
- (2) The State Government shall by notification determine the number of seats and constituency or constituencies in which seats are reserved under sub-section (1) above:
- Provided that the seats reserved under sub-section (1) and (2) shall be allotted by rotation to different constituencies in the Municipality in such manner as may be prescribed.
- (3) Not less than one third of the total number of offices of the Chairperson of wards Committee and Chief Councilor shall be reserved for women.
- 31.(1) A person shall not be eligible for election as a member if such person-
- (a) has been adjudged by a competent court to be of unsound mind; or
- (b) is under twenty-one years of age on the day of filing of nomination; or
- (c) is an un discharged insolvent; or General disqualifications for membership of a Municipality.

- (d) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (e) holds any office of profit under the Municipality; or
- (f) has, directly or indirectly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of, the Municipality; or
- (g) is in the service of, or receives remuneration from, the Central or the State Government or the Municipality; or Panchayat or any Government aided society or organization as a regular or adhoc or contractual or contingency employee.
- (h) has been elected to, or appointed as a member under, any other Municipality or Panchayat: or village authority as Gaon Bura, Gaon Buri or Head Gaon Bura by whatever name called.

Provided that notwithstanding anything contained in clause (f), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in-

- (i) any lease, sale or purchase of land or any agreement for the same; or
 - (ii) any agreement for the loan of money or any security for the payment of money only; or
 - (iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted; or
 - (iv) any incorporated or registered company which contracts with, or is employed by, the Municipality.
- (2) A person shall be disqualified for being chosen as, and for being, a member of a Municipality if he is so disqualified by or under any law for the time being in force for the purposes of election to the State Legislature.
 - (3) If any question arises as to whether any person or any member has become subject to any of the disqualifications mentioned in sub-section (1) or sub-section (2), the question shall be referred for decision to such authority and in such manner as the State Government may notify from time to time.

Election of ineligible persons and disqualification subsequently incurred.

32. (1) Where a person elected to be a member was not eligible for such election on account of any disqualification referred to in section 31 or where a person incurs such disqualification subsequent to his election as a member, the election of such person shall be void upon the Commission making a declaration to that effect by notification:

Provided that no such declaration shall be made if the question of such disqualification was raised in an election petition presented under this Act.

- (2) No act done by a member as aforesaid while remaining in office shall be invalid on account of his election being declared void subsequently.
- (3) The casual vacancy arising out of any election being declared void under this section shall be filled up in accordance with the provision of this Act within six months unless the State Election Commission decided otherwise by recording the reason(s) for such decision.

Disqualification for dismissal for corruption or disloyalty.

33. (1) A person who having held an office under the Government of India or under the Government of any State or under any Municipality has been dismissed for corruption or for disloyalty to the State or the Municipality, shall be disqualified for a period of five years from the date of such dismissal.

- (2) For the purpose of sub-section (1), a certificate issued by the Commission to the effect that a person having held office under the Government of India or under the Government of a State or under any Municipality has or has not been dismissed for corruption or for disloyalty to the State or Municipality shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or Municipality shall be issued unless such person has been given an opportunity of being heard.

34. (1) If the Commission is satisfied that a person-
- (a) has failed to lodge an account of election expenses within three months (ninety days) from the date of declaration of results and in the manner required by or under this Act and rules made thereunder and
- (b) has no good reason or justification for such failure, the Commission shall, by order published in the Official Gazette, declare him to be disqualified, and such person shall be disqualified for a period of three years from the date of the order.
- (2) The ceiling limit on election expenses shall be prescribed by the State Election Commission in consultation with the State Government from time to time.
35. (1) If any person, after the commencement of this Act, is convicted of an offence punishable under section 171E, or section 171F, of the Indian Penal Code, or under section 125, or section 135, or clause (a) of sub-section (2) of section 136, of the Representation of the People Act, 1951, he shall, for a period of six years from the date of conviction or from the date on which the order takes effect, as the case may be, be disqualified for contesting and voting at any election, and his name shall be struck off from the electoral roll.
- (2) Any person disqualified by a decision of the Election Tribunal under section 77 for any period shall be disqualified for the same period for contesting and voting at any election.
36. (1) The first general election to a Municipality, newly constituted, shall be held not later than six months from the date of notification constituting the Municipality.
- (2) A general election shall be held for the purpose of constituting a new Municipality on the expiration of the duration of the existing Municipality or on its dissolution and completed before the expiry of the duration of the Municipality.
- (3) For the purpose as aforesaid, the State Government shall, by one or more notifications published in the Official Gazette on such date or dates as may be determined, call upon the Municipality to elect members in accordance with the provisions of this Act and the rules and the orders made thereunder :
- Provided that where a general election is held otherwise than on the dissolution of the existing Municipality, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of such Municipality would expire :
- Provided further that when a Municipality has been dissolved, elections to constitute the Municipality shall be completed before the expiry of six months from the date of its dissolution :
- Provided also that where the period for which such dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections to constitute such Municipality for such period.

Disqualification for failure to lodge account of election expenses.

Disqualification arising out of conviction and corrupt practices.

Notification for general election to a Municipality.

CHAPTER - VI**Conduct of Elections**

- Appointment of dates for nominations etc. 37. As soon as the notification calling upon a Municipality to elect a member or members is issued, the Commission shall, by notification, appoint-
- (a) the last date for making nominations, which shall be seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday ;
 - (b) the date for the scrutiny of nominations, which shall be the second day after the last day of making nominations or, if that day is a public holiday, the next day which is not a public holiday ;
 - (c) the last date for the withdrawal of candidatures, which shall be the third day after the last date for the scrutiny of nominations or, if that day is a public holiday, the next day which is not a public holiday ;
 - (d) the date or dates on which a poll shall, if necessary, be taken, which or the first or which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures ; and
 - (e) the date before which the election shall be completed.
- Public notice of election. 38. On the issue of a notification under section 37, the Municipal Returning Officer shall, in such form and manner as may be prescribed, give public notice of the intended election inviting nominations of candidates for such election and specifying the place at which the nomination papers shall be delivered.
- Nomination of candidates for election. 39. Any person may be nominated as a candidate for election to fill a seat in a Municipality if he is qualified to be chosen to fill that seat under the provisions of this Act.
- Provided that no elector shall propose more than one candidate and shall not suffer from any of the disqualifications provided under section 31, 34 and 35.
- Provided further that all nomination papers in favour of more than one candidate shall be rejected if they are subscribed by the same person.
- Presentation of nomination paper and requirements for valid nomination. 40. (1) On or before the date appointed under clause (a) of section 37, each candidates shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Municipal Returning Officer at the place specified in this behalf in the notice issued under section 38 a nomination paper completed in the prescribed form and signed by the candidate and by an electoral of the constituency as proposer :
- Provided that a candidate not set up by a recognized Political Party, shall not be deemed to be duly nominated for election unless the nomination paper is subscribed by ten proposers being electors of the Constituency :
- Provided further that, no nomination paper shall be delivered to the Municipal Returning Officer on a day which is a public holiday.
- (2) In a constituency where any seat is reserved for women, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless her nomination paper contains a declaration by her specifying the particulars as contained in section 30 (2).
 - (3) Where the candidate is a person who, having held any office referred to in section 33 has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

- (4) On the presentation of a nomination paper, the Municipal Returning Officer shall satisfy himself that the names and electoral roll of the candidate and his proposers, as the case may be, as entered in the nomination papers are the same as those entered in the electoral roll :

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Municipal Returning Officer shall permit any such misnomer or inaccurate description of clerical, technical or printing error to be corrected and, where necessary, direct that any such misnomer or inaccurate description or clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

- (5) Where the candidate is an elector of a different constituency of Municipality, a copy of the electoral roll of the constituency or of the relevant part thereof or a certified copy of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Municipal Returning Officer at the time of scrutiny.

- (6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper :

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Municipal Returning Officer for election in the same constituency.

- (7) Every candidate shall, with the nomination paper, file an affidavit in such manner as may be prescribed by the Commission. The affidavit under this sub-section shall, unless it is produced along with the nomination paper, be produced before the Municipal Returning Officer at the time of scrutiny.

41. (1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of one thousand rupees, or, where the candidate is a member of the Scheduled Tribes, or a woman, a sum of five hundred and fifty rupees :

Deposits.

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section.

- (2) Any sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub-section unless, at the time of delivery of the nomination paper under sub-section (1), the candidate has either deposited or caused to be deposited that sum with the Municipal Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Government Treasury.

42. (1) The Municipal Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 40, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nomination and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing description similar to those contained in the nomination paper, both of the candidate and of the proposer.

Notice of nominations and the time and place for their scrutiny.

Scrutiny of nomination.

43. (1) On the date fixed for the scrutiny of nomination under section 37, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the Municipal Returning Officer may appoint, and the Municipal Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 40.
- (2) The Municipal Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:
- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under this Act :
 - (b) that there has been a failure to comply with any of the provisions of section 40 or section 41 ; or.
 - (c) that the signature of the candidate or the proposer on the nomination papers is not genuine.
- (3) Nothing contained in clause (b) or clause (c) of sub-section (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The Municipal Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The Municipal Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 37 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control :

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

- (6) The Municipal Returning Office shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement or his reason for such rejection.
- (7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a Municipality shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that Municipality, unless it is proved that he is subject to a disqualification mentioned in this Act or the rules made thereunder.
- (8) Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the Municipal Returning Officer shall prepare a list of validity nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to the notice board.

Withdrawal of candidature.

44. (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 37 to the Municipal Returning Officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate.

- (2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.
- (3) The Municipal Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office.
45. (1) Immediately after the expiry of the period within which candidates may withdraw their candidature under section 44, the Municipal Returning Officer shall forthwith consider the allotment of symbols in the prescribed manner to the independent and other candidates who have not withdrawn their candidature. Mention of symbol in nomination paper/
Allotment of symbol.
- (2) For the purpose of election to the Municipalities in Arunachal Pradesh, the National Parties and State Parties for the Arunachal Pradesh, as are recognized for the time being by the Election Commission of India in the State of Arunachal Pradesh, shall be recognized as such by the State Election Commission. The Commission shall also adopt free symbols as have been notified by the Election Commission of India for the time being in respect of elections of Lok Sabha/Legislative Assembly in the State of Arunachal Pradesh. The commissioner shall recognize the parties and adopt symbols subject to the following conditions, namely :
- (a) The National Parties and the State parties recognized by the Election Commission of India shall be recognized under the very same name by the Commission.
- (b) The National Parties and the State Parties recognized by the Election Commission of India shall use only those very symbols which are reserved for them by the Election Commission of India and not any other symbol.
- (c) The facsimiles of the symbols thus allowed shall not be different from the facsimiles prescribed and recognized by the Election Commission of India.
- Provided that such a political party can set up only one candidate per ward.
- Provided further that ticket issued earlier shall prevail unless it is specifically rescinded, revoked, cancelled or withdrawn by such a political party before the commencement of scrutiny of nomination papers.
- (3) The Election Commissioner shall specify by notification in the official Gazette, the symbols that may be chosen by independent and other candidates and the restrictions to which their choice shall be subject.
- (4) In the nomination paper, a candidate other than a candidate of a recognized political party, shall mention three symbols as his first preference, second preference and third preference, and a candidate a recognized political party shall mention the symbol reserved for such political party.
- (5) The Municipal Returning Officer shall consider the choice of symbols expressed by the independent and other contesting candidates in their nomination papers subject to any general or special directions issued in this behalf by the State Election Commission and shall
- (a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and
- (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot (including computerized random draw) to which of such candidate the symbol will be allotted.

- (6) The allotment by the Municipal Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the State Election Commission in this behalf in which case the State Election Commission may revise the allotment in such manner as it thinks fit.
- Publication of list of contesting candidates. 46. (1) Immediately after the allotment of symbols to independent and other candidates under section 45, the Municipal Returning Officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the list of validity nominated candidates and who have not withdrawn their candidature within the said period.
- (2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:-
- (i) candidates of recognized political parties
 - (ii) candidates of registered political parties other than those mentioned in clause (i);
 - (iii) other candidates.
- (3) The candidates mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.
- Election agents. 47. A candidate at an election may appoint in the prescribed manner any one person, other than himself, to be his election agent, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Municipal Returning Officer.
- Disqualification for being an election agent. 48. Any person who is for the time being disqualified under this Act for being a member of a Municipality or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.
- Revocation of appointment, or death, of election agents. 49.(1) Any revocation of the appointment of an election agent shall be signed by the candidate, and shall operate from the date on which it is lodged with the Municipal Returning Officer.
- (2) In the event of the revocation of the appointment of an election agent or death of an election agent, whether such event occurs before or during the election or after the election but before the account of the candidate's election expenses has been lodged in accordance with the provisions of section 74, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the Municipal Returning Officer.
- Functions of election agents. 50. An election agent may perform such functions in connection with the election as are authorized by or under this Act to be performed by an election agent.
- Appointment of polling agents. 51. A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed, to act as polling agents of such candidates at each polling station provided under section 12 for the poll.
- Appointment of counting agents. 52. A contesting candidate or his election agent may appoint in the prescribed manner one persons with a reliever, to be present as his counting agent or agents at the counting of votes.

53. (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed and, in the event of such revocation or the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to such officer as may be prescribed. Revocation of appointment, or death, of polling agent or counting agent.
- (2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with, such officer as may be prescribed and, in the event of such revocation or the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to, such officer as may be prescribed.
54. (1) A polling agent may perform such functions in connection with the poll as are authorized by or under this Act to be performed by a polling agent. Functions of polling agents and counting agents.
- (2) A counting agent may perform such functions in connection with the counting of votes as are authorized by or under this Act to be performed by a counting agent.
55. (1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided under section 12 for the taking of the poll. Attendance of contesting candidate or his election agent at polling stations and performance by him of the functions of polling agent or counting agent.
- (2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate, if appointed, would have been authorized by or under this Act to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.
56. Where any act or thing is required or authorized by or under this Act to be done in the presence of the polling or counting agents, the non attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done. Non attendance of polling or counting Agents.
57. If a candidate whose nomination has been found valid on scrutiny under section 43 and who has not withdrawn his candidature under section 44 dies and a report of his death is received before the publication of the list of contesting candidates under section 46 or if a contesting candidate dies and report of his death is received before the commencement of poll, the Municipal Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll and report the fact to the Commission and also the appropriate authority, and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election: Death of candidate before poll.
- Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:
- Provided further that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 44 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.
- 58.(1) If the number of contesting candidate is more than one in a constituency, a poll shall be taken. Procedure in contested and uncontested election.
- (2) If the number of the candidate in a constituency is only one, the Municipal Returning Officer shall forthwith declare such candidate to be duly elected to fill up the seat.

- Eligibility of members of Scheduled Tribes or women to hold unreserved seats.
- (3) Where the constituency has failed to elect a person to fill the vacancy, the Commission shall not be bound to call upon the constituency to elect a person until it is satisfied that if called upon, there will be no such failure on the part of the constituency.
59. For the avoidance of doubt, it is hereby declared that a member of the Scheduled Tribes or a woman, if he or she is otherwise qualified shall hold such seat under this Act.

CHAPTER-VII

The Poll

- Fixing time for poll.
60. The Municipal Returning Officer shall fix and notify the time for polling, as the Commission may direct.
- Adjournment of poll in emergencies.
61. (1) If at an election the proceedings at any polling station provided under section 12 for the poll are interrupted or obstructed by any riot or open violence, or if at any election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station or the Municipal Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Municipal Returning Officer concerned.
- (2) Whenever a poll is adjourned under sub-section (1), the Municipal Returning Officer shall immediately report the circumstances to the appropriate authority and the Commission and shall, as soon as may be, with the previous approval of the Commission appoint the day on which the poll shall recommence, second or third day and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.
- (3) In every such case as aforesaid, the Municipal Returning Officer shall notify in such manner as the Commission may direct the date, place and hours of polling fixed under sub-section (2).
- Fresh poll in the case of destruction etc. of ballot boxes.
62. (1) If at any election,-
- (a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Municipal Returning Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such extent that the result of the poll at that polling station or place can not be ascertained, or
- (b) any voting machine develops a mechanical failure during the course of giving, or recording of vote; or
- (c) any such error or irregularity as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, the Municipal Returning Officer shall forthwith report the matter to the Commission.
- (2) Thereupon, the Commissioner shall, after taking all material Circumstances into account either-
- (a) declare the poll at that polling station or place to be void, appoint second or third day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and the hours so fixed in such manner as it may deem fit, or

- (b) issue such directions to the Municipal Returning Officer as it may deem proper the further conduct and completion of the election, provided the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularities in procedure is not material.

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

63. (1) if at any election-

- (a) booth- capturing has taken place at a polling station or at a place fixed for the poll in such manner that the result of the poll at that polling station or place cannot be ascertained, or
- (b) booth – capturing takes place in any place for counting of votes in such manner that the result of the counting at that place cannot be ascertained,

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

The Municipal Returning Officer shall forthwith report the matter to the Commission.

- (2) The Commission shall, on receipt of the report from the Municipal Returning Officer under sub-section (1) and after taking all material circumstances into account, either-
 - (a) declare that the poll at that polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
 - (b) countermand the election in that constituency, provided the Commission is satisfied that in view of the large number of polling station or place involved in booth-capturing, the result of the election is likely to be affected or that booth- capturing had affected counting of votes in such manner as to affect the result of the election.

Explanation.- In this section, “booth – capturing” shall have the same meaning as in section 135A of the Representation of the People Act, 1950.

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

Manner of voting elections.

Provided that notwithstanding anything contained in this Act or the rules made thereunder , the manner of giving, or recording of votes by a voting machine shall be such as may be prescribed:

Provided further that a voting machine may be used at an election in such constituency or constituencies as the commission may, having regard to the circumstances in each case, by notification, specify.

65. (1) With a view to prevent personation of electors, provision may be made by rules made under this Act-

Special Procedure for preventing personation of electors.

- (a) for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;
- (b) for the production before the presiding officer or a Polling Officer or a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if, under the rules made in that behalf under the

Representation of the People Act, 1950, electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

- (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if, at the time such person applied for such paper, he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the Presiding Officer or a Polling Officer of the polling station.

Right to vote.-

- 66. (1) No person who is not, and, except as expressly provided by this Act, every person who is for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in the section 16 of the Representation of the people Act, 1950.
- (3) No person shall vote at a election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.
- (4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once and if he does so vote, all his votes in that constituency shall be void.
- (5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

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

Counting of votes.

- 67. At every election where a poll is taken, votes shall be counted in such manner as may be prescribed, and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

Destruction, loss, etc., of ballot papers.

- 68. (1) If at any time before the counting of votes is completed, any ballot paper used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Presiding Officer or the Municipal Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such extent that the result of the poll at that polling station or place cannot be ascertained, the Municipal Returning Officer shall forthwith report the matter to the Commission.
- (2) Thereupon, the Commission shall, after taking all materials circumstances into account, either –
 - (a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or.
 - (b) issue such directions to the Municipal Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted, provided that the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election.

- (3) The provisions of this Act and the rules and the orders made thereunder shall apply to every such fresh poll, as they apply to the original poll.
69. If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Presiding Officer or the Municipal Returning Officer, as the case may be, shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lost falls had received an additional vote. Equality of votes.
70. When the counting of the votes has been completed, the Presiding Officer or the Municipal Returning officer, as the case may be, shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder. Declaration of results.
71. If any person is elected in more than one constituency in an election, he shall, within sixty days from the date of the first meeting of the Board of Councillors, after a Municipal general election, resign from the constituency excepting one constituency which he shall represent in the Municipality. On his failing to do so within the stipulated time, the Commission, in consultation with the State Government, declare the constituency, excepting one constituency which he shall represent in the Municipality, vacant : Responsibility of the Councillor elected from more than one constituency.
- Provided that in case of a Municipal by-election, if any person is elected from more than one constituency such person shall have to resign from constituency, excepting one constituency which he shall represent in the Municipality, within one month from the date of declaration of result. On his failing to do so within the stipulated time, the Commission, in consultation with the State Government, declare the constituency, excepting one constituency which he shall represent in the Municipality, vacant.
72. As soon as may be after the result of an election has been declared, the Municipal Returning Officer shall report the result to the appropriate authority and the Commission who shall immediately publish the names of elected member in the Official Gazette. Report of the results.
73. (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive. Account of election expenses and maximum thereof.
- Explanation .- Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorized in connection with the election of a candidate by a political party or by any other association or body or persons or by any individual other than the candidate or his election agent shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purpose of this sub-section :
- Provided that nothing contained in this Explanation shall affect any judgment, order or decision of the Civil Court whereby the election of a candidate has been declared void or set aside.
- Explanation ĞĞ. - For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the People Act, 1951, in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

- (2) The account shall contain such particulars as may be notified by the Commission.
- (3) The total of the said expenditure shall not exceed such amount as may be notified by the Commission.

Lodging of account with the Municipal Election Officer.

74. Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their elections are different, the latter of those two dates, lodge with the District Municipal Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 73.

CHAPTER VIII

Disputes regarding election

Definition.

75. In this Chapter, "Election Tribunal" shall mean,-
for the purposes of elections to a Municipality in any district, the Election Tribunal of that district.

Election petition and procedure.

76. (1) If the validity of any election of a member is called in question by any person qualified to vote at such election, such person may, at any time within ten days immediately after the date of declaration, of the result of the election, file a petition before the Election Tribunal of the district within which the election has been or should have been held and shall, at the same time, deposit five hundred rupees in the Tribunal as security for the cost likely to be incurred:

Provided that the validity of such election shall not be called in question in any such petition-

- (a) on the ground that the name of any person qualified to vote has been omitted from the electoral roll, or
- (b) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll :

Provided further that if only two candidates contested such election, the petitioner may, in addition to calling in question the election of the returned candidate, claim that if the election of the returned candidate is set aside, the other candidate may be declared duly elected.

- (2) The provisions of the Code of Civil Procedure, 1908, shall apply, as far as may be, in the matter of adjudication of an election petition under sub-section (1).

Setting aside of election.

77. (1) If the Election Tribunal, after holding such inquiry as it deems fit in respect of an election petition, is satisfied that-

- (a) a candidate has committed any corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951, or
- (b) the result of the election has been materially affected by any act or omission in violation of the provisions of this Act or the rules made thereunder, or.
- (c) the result of the election has been vitiated by any offence punishable under any law for the time being in force.

It shall set aside the election of such candidate, if he has been elected, and may, if the election is set aside for any cause which is the result of any act of a candidate or his agent, declare that candidate to be disqualified for the purpose of fresh election caused by such setting aside :

Provided that if the Election Tribunal in setting aside the election holds a candidate guilty of any corrupt practice, it may declare such candidate disqualified for contesting an election to a Municipality for a period not exceeding six years.

Explanation. - A person shall be deemed to have committed an offence of corrupt practice if he commits an act relating to a corrupt practice within the meaning of section 123 of the Representation of the people Act, 1951.

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| 78. (1) | If the election petition is confined to the question of validity of votes cast or counting, the Election Tribunal shall, after such scrutiny and computation of votes as may be deemed necessary, declare the result. | Scrutiny of votes and declaration of confirmation of result. |
| (2) | If there be only two candidates contesting the election in dispute and the election petition contains a claim by one of the candidates for declaring him elected, the Election Tribunal may, while deciding upon the election petition, declare such candidate duly elected ; | |
| (3) | If after computation, there be an equality of votes among two or more candidates, the Election Tribunal shall select one among them by drawing lots. | |
| (4) | If the Election Tribunal is satisfied that no ground exists for setting aside the election or modifying the results thereof, it shall confirm the election. | |
| 79. | Save as provided in this Act, no Court shall entertain any application in any form whatsoever for adjudication of any matter relating to election to a Municipality. | Bar to jurisdiction of Court. |
| 80. | If an election is set aside by the Election Tribunal, a date shall forthwith be fixed and necessary steps shall be taken for holding a fresh election for filling up the vacancy, as though it has been a casual vacancy. | Fresh election when an election is set aside. |
| 81. | Where a candidate, who has been elected to be a member is declared by the Election Tribunal to have not been duly elected, no act done by him by virtue of the office of member before such declaration, shall be invalidated by reason of such declaration. | Saving of acts done by a member before his election if set aside. |
| 82. | For the purposes of this Act, the electoral offences under Chapter III of Part VII of the Representation of the People Act, 1951, shall be the electoral offences under this Act, and the provisions of Chapter III of Part VII of that Act shall apply to the electoral offences under this Act. | Electoral offences for the purposes of the Act. |

CHAPTER IX **Miscellaneous**

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| 83. | No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Act or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication by, or under the authority of, the Commission of any such opinion, paper or proceedings. | Protection of action taken in good faith. |
| 84. (1) | When the seat of a member elected to a Municipality becomes vacant or is declared vacant or his election to the Municipality is declared void, the Commission shall, by notification, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of this Act and the rules and the orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy. | Casual vacancies in the Municipality. |

- (2) A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of this predecessor's term of office.
- Extension of time for completion of election. 85. Subject to the provisions of the Constitution, it shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 37.
- Return or forfeiture of candidate's deposit. 86. (1) The deposit made under section 41 shall either be returned to the person making it or his legal representative or be forfeited to the appropriate authority in accordance with the provisions of this section.
- (2) Except in cases hereinafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.
- (3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.
- (4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by the candidates.
- (5) Notwithstanding anything in subsections (2), (3) and (4) if at a election, the candidate is a contesting candidate in more than one constituency, not more than one of the deposits shall be returned, and the others shall be forfeited.
- Staff of every local authority to be made available for election work. 87. Every local authority in the State shall, when so required by the Commission, make available to any Municipal Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.
- Requisition and de-requisition of premises, vehicles, etc. for election purposes. 88. Provisions for requisitioning premises and vehicles and payment of compensation therefor, power to obtain information in this regard, powers of entry into and inspection of premises, eviction from requisitioned, premises, release of premises from requisition, delegation of functions of the State Government with regard to requisitioning and penalty for contravention of any order regarding requisitioning shall be such as are provided in sections 162, 163, 164, 165, 166 and 167 of the Representation of the People Act, 1951.
- Power to make rules. 89. (1) The State Government, may after consulting the Commission make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
- (a) the duties of Presiding Officer and Polling Officers at polling stations ;
- (b) the checking of voters by reference to the electoral roll ;
- (c) the manner in which votes are to be given both generally and in the case of illiterate voter or voters under physical or other disability ;
- (d) the manner in which votes are to be given by a Presiding Officer, Polling Officer, polling agent or any other person, who being an elector for a constituency is authorized or appointed for duty at a polling station at which he is not entitled to vote.
- (e) the procedure to be followed in respect of the tender of vote by a person representing himself to be an elector after another person has voted as such elector ;
- (f) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used;

- (g) the procedure of counting of votes recorded by a voting machine ;
- (h) the scrutiny and counting of votes including cases in which a recount of the votes may be made before the declaration of the result of the election ;
- (i) the safe custody of ballot boxes, voting machines, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers ;
- (j) any other matter required to 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, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
90. No Civil Court shall have jurisdiction to question the legality of any action taken or of any decision given by the Municipal Returning Officer or by any other person appointed under this Act in connection with an election. Jurisdiction of Civil Court barred.
91. If any difficulty arises in giving effect to the provisions of this Act, the State Government, in consultation with the Commission , may, as occasion may require, by order, not inconsistent with the provisions of this Act, do or cause to be done anything which may be necessary for removing the difficulty. Removal of difficulty.

S.B. Shukla IAS,
Secretary to the
Government of Arunachal Pradesh,
Itanagar.

GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 18th May, 2011

No. LAW/LEGN-20/2010.—The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 10th May, 2011)

THE ARUNACHAL PRADESH MUNICIPAL ELECTIONS (AMENDMENT) ACT, 2011

(ACT NO. 3 OF 2011)

An

Act

Further to amend the Arunachal Pradesh Municipal Elections Act, 2009 (No. 4 of 2009).

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty – second Year of Republic of India as follows :—

1. (1) This Act may be called the Arunachal Pradesh Municipal Elections (Amendment) Act, 2011.

Short title, and
commence-
ment.

(2) It shall come into force at once.

Amendment of section 36 (3). 2. In the Arunachal Pradesh Municipal Elections Act, 2009, (Act. No. 4 of 2009), except provisos, for sub-section (3) of section 36, the following sub-section shall be substituted, namely :

“(3) For the purpose as aforesaid, the Commission shall, by one or more notifications published in the Official Gazette on such date or dates as may be determined, call upon the Municipality to elect members in accordance with the provisions of this Act and the rules and orders made thereunder”.

C. P. Mansai,
Secretary to the
Government of Arunachal Pradesh,
Itanagar.

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT
ITANAGAR

NOTIFICATION

The 24th August, 2010

No. DTP/MUN-18/2009-10.—In exercise of the powers conferred by sub-section (1) of section 89 of the Arunachal Pradesh Municipal Elections Act, 2009 (Act No. 4 of 2009), and in supersession of the Arunachal Pradesh Municipal Delimitation of Ward Rules, 2009, the State Government hereby makes the following rules to regulate the delimitation of Municipal Wards in the Municipalities of Arunachal Pradesh, namely :-

Short title,
commence-
ment, intent.

1. (1) These rules may be called the Arunachal Pradesh Municipal Delimitation of Ward Rules, 2010.
- (2) They shall come into force at once.
- (3) They shall apply to all the Municipalities.

Definitions.

2. In these Rules, unless the context otherwise requires, -
 - (a) “Act” means the Arunachal Pradesh Municipal Elections Act, 2009 (Act No. 4 of 2009).
 - (b) “associate member” means a member associated under sub-rule (2) of Rule 4 ;
 - (c) “Adhoc Body” means a Delimitation Committee constituted under Rule 4 ;
 - (d) “associate member” means a member associated under sub-rule (2) of Rule 4 ;
 - (e) “Director” means the Director Local Self Government, Arunachal Pradesh ;
 - (f) “Government” means the Government of the State of Arunachal Pradesh.

Fixation of
seats of
Committees.

3. (1) After every official census, the total number of seats of each Committee shall be fixed by the Government on the basis of the latest Census figures. In case certain area is included within, or excluded from the limits of a Committee, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Committee for the purpose of re-fixation of seats of its committee. The maximum number of seats to be filled by election on each committee shall be fixed/re-fixed in accordance with the following formula :-

FORMULA

Municipality with a population	Number of seats
1	2
Not exceeding 10,000	6
Exceeding 10,000 but not exceeding 15,000	8
Exceeding 15,000 but not exceeding 20,000	10
Exceeding 20,000 but not exceeding 25,000	13
Exceeding 25,000 but not exceeding 30,000	16
Exceeding 30,000 but not exceeding 35,000	17
Exceeding 35,000 but not exceeding 40,000	18
Exceeding 40,000 but not exceeding 45,000	19
Exceeding 45,000 but not exceeding 50,000	20
Exceeding 50,000 but not exceeding 55,000	21
Exceeding 55,000 but not exceeding 60,000	22
Exceeding 60,000 but not exceeding 65,000	23
Exceeding 65,000 but not exceeding 70,000	24
Exceeding 70,000 but not exceeding 75,000	25
Exceeding 75,000 but not exceeding 80,000	26
Exceeding 80,000 but not exceeding 85,000	27
Exceeding 85,000 but not exceeding 90,000	28
Exceeding 90,000 but not exceeding 95,000	29
Exceeding 95,000 but not exceeding 1,00,000	30

3.A Notwithstanding, anything contained in Rule 3, the number of seats fixed for each Municipal committee on the basis of the figures of the census preceding the latest census, shall continue to be valid till the number of seats is increased/decreased on the basis of the latest census figures in accordance with the provision of Rule 3. Validity of Existing Seats.

4.(1) For the purpose of carrying out the provisions of these rules, the Deputy Commissioner or the Municipal Electoral Registration Officer as the case may be, shall as per the direction of State Election Commission constitute an Delimitation Committee for each Municipality consisting of the following members, namely :- Constitution of Delimitation Committee.

- (i) Deputy Commissioner of the District, in which the Municipality is situated, or his representative shall be the Chairperson.
- (ii) President or Administrator of the Committee concerned ; and
- (iii) The Chief Municipal Executive Officer of Municipal Executive Officer of concerned Municipality.
- (iv) Town Planner.
- (v) District Land Revenue and Settlement Officer.

(2) The Deputy Commissioner shall associate with itself not more than five members belonging various interests/groups out of the sitting members of the Municipality it or out of the members of dissolved Municipality, as the case may be.

Functions of
Delimitation
Committee.

5. It shall be the duty of the Delimitation Committee-

- (i) to divide the Municipality into such number of wards as may be necessary, having regard to the number of elected members fixed by the Government for the Municipality under rule 3 and the number of seats reserved for members of the Scheduled Castes, Backward Classes and Women, and
- (ii) to readjust the wards as and when the limits of the Municipality are altered or there is increases in population of the Municipality or there is abnormal variation in population/or voting figures of some of the wards of which requires such re-adjustment :

Provided that the Government may, at any time order re-delimitation of wards of any or all of the Municipality, if it considers it expedient to do in the public interest.

Procedure and
Powers of the
Adhoc Body.

6. (1) The meetings of the delimitation Committee shall be convened by the Deputy Commissioner as per instruction of the State Election Commission, after giving notice of at least seven days of the date, time and place of the meeting to its members.

(2) The quorum necessary for the transaction of business at a meeting of the Delimitation Committee shall be three.

(3) All questions which come before any meeting of the Delimitation Committee shall be decided by a majority of the votes of the members present and voting. In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(4) The Delimitation Committee shall have power to act notwithstanding the temporary absence of a member or an associate member or of the existence of a vacancy in the body, and no act or proceeding of the Delimitation Committee shall be invalid or called in question on the ground merely of temporary absence of a member or an associate member, or of the existence of such a vacancy.

Principles for
delimitation of
wards of
Municipality.

7. The following principles shall be observed by the Delimitation Committee in the Delimitation of wards of a committee namely :-

- (a) wards shall be strictly as per geographical contiguity and compactness of the houses and having regards to physical features, existing boundaries of administrative units etc. However no wards delimitation shall be done in the name of caste, creed, race and religion etc.
- (b) the population of each ward, as far as practicable, should be the same throughout the Municipality with a variation upto 10 per cent above or below the average population per ward.

Proposal for
delimitation of
wards to be
sent to
Government.

8. The Deputy Commissioner, shall, as soon as may be, after it has prepared the proposal for the delimitation of wards of the Municipality, submit the same to the State Election Commission for further submission to Government for consideration.

9. The Government shall -
- (a) on receipt of the proposals, for delimitation of wards published in the Official Gazette inviting claims and objections (within period of 30 days) if any under rule 8, for eliciting objections or suggestions from the affected persons of the Municipality ;
- (b) specify a date on or after which the proposal along with objections or suggestions, if any, will be considered by it ;
- (c) consider all objections or suggestions which may be received by it before the date so specified ; and
- (d) thereafter, by order, determine the delimitation of wards of the Municipality.
10. The Government shall publish its order made under Rule 9 in the Official Gazette, and upon such publication every such order shall have the force of law.
11. The Government may, from time to time, by notification in the Official Gazette, correct any printing mistakes in any delimitation proposal/order made by it.
12. Any rule relating to the delimitation of wards of Municipality applicable to the committee immediately before the commencement of these rules shall stand repealed : Provide that any order made or action taken under the rule so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

Publication of proposal for delimitation of wards.

Publication of final order of Government.

Correction of printing mistakes in the delimitation proposal/order made by Government.

Repeal and Saving.

K. Kholie,
Secretary (Urban Development),
Government of Arunachal Pradesh,
Itanagar.

THE ARUNACHAL PRADESH MUNICIPAL (ELECTION) RULES, 2011

NOTIFICATION

The 13th June, 2011

No. DTP/MUN-17/2008-09.—In exercise of the powers conferred by section 26 and 89 of the Arunachal Pradesh Municipal Elections Act, 2009 (Act No. 4 of 2009), the State Government hereby makes the following rules to regulate the elections of Municipal bodies in the State of Arunachal Pradesh, namely :

CHAPTER - I PRELIMINARY

1. (1) These rules may be called the Arunachal Pradesh Municipal Election Rules, 2011.
- (2) They shall come into force on and from the date of their publication in the official Gazette.

Short title and Commencement.

- Definitions. 2. (1) In these rules, unless there is anything repugnant in the subject or the context, otherwise require :-
- (i) "Act" means the Arunachal Pradesh Municipal Elections Act, 2009 (Act No. 4 of 2009);
 - (ii) "Agent" means any person appointed in writing by a candidate at an election to be agent for the purposes of these rules with the acceptance in writing by such person for such appointment;
 - (iii) "Ballot Box" means any bag or other receptacle in use for insertion of Ballot papers by voters ;
 - (iv) "Counterfoil" means the counterfoil attached to a ballot paper printed under provision of these rules ;
 - (v) "Delimitation" means the delimitation of wards made under the Arunachal Pradesh Delimitation of Wards Rules, 2010 ;
 - (vi) "election" means the election to fill a seat in a Municipal Committee.
 - (vii) "elector", in relation to a constituency of a Municipal Committee, means the person whose name is entered in the electoral roll of that Municipal Committee for the time being in force and who is not subject to any of the disqualification mentioned in section 16 of the Representation of the People Act, 1950 ;
 - (viii) "electoral roll" means the electoral roll of persons of a ward entitled to vote at an election under these rules;
 - (ix) "electoral roll number of a person" means :-
 - (a) The serial number of the entry in the electoral roll in respect of the person ;
 - (b) The serial number of the part of the electoral roll in which such entries occur ;
 - (c) The name of the ward to which Municipal committee and the member of the ward to which the electoral roll relates ;
 - (x) "EVM" means any machines or apparatus, whether operated electronically or otherwise, used for recording of votes ;
 - (xi) "form" means a form appended to these rules ;
 - (xii) "gazetted Officer" means a government employee belonging to an Indian Administrative Service or State service or any other government employee holding a post which has been declared by competent authority to be a gazetted post ;
 - (xiii) "mark copy" means copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election ;
 - (xiv) "oath of allegiance" means the oath of affirmation of allegiance prescribed under sub-section (2) of section 15 of the Arunachal Pradesh Municipal Act, 2007 (Act No. 4 of 2008) ;
 - (xv) "polling station" means the place fixed for taking poll for municipal election ;
 - (xvi) "Revising Authority" means a Gazetted Officer or an Executive Magistrate who may be appointed by the Municipal Electoral Registration Officer as the Revising Authority in respect of electoral roll of a ward or a part of a ward ;
 - (xvii) "section" means a section of this Act ;

- (xviii) “symbol” means a symbol which may be allotted to a candidate for election under these rules ;
- (xix) “treasury” means a treasury or sub-treasury of the State Government and includes a bank to which the business of such treasury or sub-treasury has been made over ; and
- (xx) “ward” means a ward for the representation of which a member is to be or has been elected under these rules ;
- (2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

CHAPTER-II

ELECTORAL ROLLS

3. (1) For each ward of a Municipal Committee there shall be electoral roll which shall be prepared in the manner specified in rules 4 to 18 by the Municipal Electoral Registration Officer under the superintendence, direction and control of the State Election Commission : Electoral roll for every ward.
- Provided that the preparation of revision of electoral rolls, as the case may be shall be taken up as and when so directed by the State Election Commission and before holding of elections or bye elections, as the case may be, to the Municipalities :
- Provided further that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls for the elections under these rules.
- (2) The electoral rolls shall be prepared in English language and in such other language or languages and in such form as may be directed by the State Election Commission.
4. When a direction is given under rule 3 by the State Election Commission, the Municipal Electoral Registration Officer shall cause to be prepared electoral roll for each ward of the Municipal Committee in accordance with these rules. Preparation of Electoral Roll.
5. The conditions for registration as voters shall be followed in terms of the provisions as specified in section 18 of the Act. Conditions for registration as voter.
6. (1) As soon as electoral roll of a ward is ready, the Municipal Electoral Registration Officer shall publish it in draft, together with a notice in Form-I and make available copies thereof for inspection at his office, and in the offices of the Municipal Committee and Municipal Electoral Registration Officer concerned. Publication of electoral roll in draft.
- (2) The notice under sub-rule (1) shall also be given publicity through news- papers having large circulation in the area, All India Radio, and by affixing copies of such notice in his office and offices of the Municipal Committee and the Municipal Electoral Registration Officer concerned and at such other conspicuous place where the public has free access. The notice shall contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.
7. Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of fifteen days from the date of draft publication of the electoral roll under rule 6, or such period as may be fixed by the State Election Commission in this behalf. Period for lodging claims and objections.

- Appointment of Revising Authorities. 8. The Municipal Electoral Registration Officer may appoint one or more Revising Authority or Authorities for the purpose of hearing claims and objections relating to electoral roll of a ward or wards.
- Manner of lodging of claims and objections. 9. (1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 8 and shall be presented to him personally or sent by registered post to that Authority. Every claim for inclusion of name, objection to the inclusion of the name or objection to the particulars in an entry in the electoral roll shall be in Forms 2, 3 or 4 as the case may be.
- (2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorised by him in writing in this behalf.
- (3) No person shall prefer an objection to the inclusion of any name in the electoral roll, unless his name is already included in that electoral roll.
- (4) The Revising Authority shall maintain a register, of claims, in Form 5, of objections to the inclusion of names, in Form 6, and of objections to the particular in any entry in Form 7, and cause to be entered therein the time of their receipt, particulars of every claim of objection, as the case may be.
- (5) Any claim or objection, which is not lodged within the prescribed period or in the manner herein specified, shall be rejected and the decision shall be recorded in the register prepared in Form 5, 6 or 7, as the case may be.
- Notice of claims and objections. 10. (1) Where a claim or objection is not rejected under sub-rule (5) of rule 9, the Revising Authority shall after the period prescribed for the presentation of claims and objection has expired, exhibit on the notice board of his office, a list of all claims or objections in Forms 8, 9 or 10 as the case may be.
- (2) Every claimant objector to inclusion of a name or to the correctness of certain particulars in an entry shall be given a notice of place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence, as he may like to adduce in Form 11, 12 or 14, as the case may be.
- (3) A person against whom objections have been received by the Revising Authority for the inclusion or deletion of his name in or from the electoral roll shall also be given a notice in Form 13 with the place, date and time fixed for hearing of objections at his last known place of residence and be asked to adduce such evidence as he may like to adduce for his defense.
- Disposal of claims and objections. 11. (1) On the date, time and place fixed under the provisions of rule 10, the Revising Authority shall hear and decide the claims and objections under the provisions of these rules, and shall record his decision in the register in Form 5, 6 or 7, as the case may be.
- (2) Copy of the order relating to the objection shall be given free of cost to the claimant and objector immediately, if he/she is present. Otherwise he/she can get the copy of the same on payment of Rs. 30/- in cash.

- (3) Any person aggrieved by an order passed under the provisions of sub-rule (1) may within three days from the date of the order, file an appeal to Municipal Electoral Registration Officer, who shall as far as practicable, within a week, decide the same, confirming such order, or setting aside or passing such other order with respect to the claim and objection as he/she may deem fit.
- (4) If it appears to the Municipal Electoral Registration Officer that due to inadvertence and error during the preparation of electoral rolls names of electors have been left-out of the electoral roll or the names of dead persons or of persons who ceased to be or are not ordinarily resident in the ward have been included in the electoral roll and that remedial action should be taken under this sub-rule, the Municipal Electoral Registration Officer shall-
- (a) prepare a list of the name and other particulars of such electors:
 - (b) after considering any verbal or written objection that may be preferred decide whether all or any of the names should be included in or deleted from the electoral roll.
12. (1) The Revising Authority as soon as it has disposed of all the claims or objections presented to it shall forward the same alongwith the register of such claims or objections and the orders passed by it thereon to the Municipal Electoral Registration officer, who shall cause the electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule-11 as the case may be, and shall publish the electoral roll so corrected, or if he deems fit, shall publish the electoral roll together with a list of additions/deletions and corrections prepared in accordance with the aforesaid orders or as a consequence of his decision under sub-rule (4) of rule 11 by making a complete copy thereof available for inspection and display a notice thereof in Form-15 in his office and also in the offices of the Municipal Committee and the Municipal Electoral Registration Officer concerned. Final publication of electoral roll.
- (2) On such publication, the electoral roll with or without amendments shall be the electoral roll of the ward and shall come into force from the date of its publication under this rule.
13. Notwithstanding anything contained in rule 12, the State Election Commission may at any time, for the reasons to be recorded, direct a special revision for any ward in such a manner as it may think fit : Special reservation of electoral rolls.
- Provided that, subject to, other provisions of these rules, the electoral rolls for the wards as in force at the time of the issue of any such direction shall continue to be in force until the completion of the special revision, so directed.
14. If the Municipal Electoral Registration Officer on an application in Form-4 or in Form-16 made to him, or on his own motion, is satisfied, after such inquiry as he thinks fit, that any entry in the electoral roll- Correction of entries in Electoral Rolls.
- (a) is erroneous or defective in any particular;
 - (b) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident or is otherwise not entitled to be registered in that electoral roll, he shall amend or delete the entry :
- Provided that before taking any action on any ground under clause (a) or clause (b) that the person concerned has ceased to be ordinarily resident or that he/she is otherwise not entitled to be registered in the electoral roll the Municipal Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him :

Provided further that an application under this rule at any time after the publication of the election programme under rule 22 shall be made to the Municipal Electoral Registration Officer not later than five days before the last date fixed for the filing of nomination papers.

Inclusion of names in electoral roll finally published.

15. (1) Any person, whose name is not included in the electoral roll, shall make an application in Form-2 (in duplicate) to the Municipal Electoral Registration Officer for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of Rs. 50/- to be paid in cash against receipt :

Provided that after the publication of the election programme under Rule 22 such an application shall be made not later than five days before the last date for the filing of nomination papers.

- (2) The Municipal Electoral Registration Officer shall immediately on receipt of application under sub-rule (1) paste one copy thereof in some conspicuous place at his office and invite objections thereto to be filed within a period of 4 days from the date of such passing.
- (3) The Municipal Electoral Registration Officer shall, as soon as may be, after the expiry of the period as specified in the notice under sub-rule (2), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct such name to be included therein accordingly:

Provided that if the applicant whose name is ordered to be included is already registered in the electoral roll of any other ward such a name shall be deleted from that electoral roll.

- (4) Where an application made under sub-rule (1) is rejected, an appeal shall lie, within a period of ten days from the date of rejection of the application for the inclusion of name or deletion of name to the State Election Commission and the appeal shall be accompanied by a fee of Rs. 100/- to be paid in cash against receipt. The State Election Commission shall decide the appeal within 10 days after giving opportunity to the party concerned of being heard and the order passed on such appeal shall be final.

Custody and preservation of electoral roll and connected papers.

16. (1) After the electoral roll for a ward has been finally published, the following papers shall be kept in the office of the Municipal Electoral Registration Officer or at such other place as the State Election Commission may order specify until the said electoral roll remains in force -

- (a) complete spare copies of the electoral roll ;
- (b) papers relating to claims and objections and order under rule 11 ;
- (c) applications and decisions thereon under rules 14 and 15 ;
- (d) papers relating to appeals under sub-rule (4) of rule 8 ; and
- (e) manuscript and other papers prepared by enumerating agencies and used for compiling the roll.

- (2) One complete copy of the electoral roll for each ward duly authenticated by the Municipal Electoral Registration Officer shall also be kept at such places as the State Election Commission may specify for a period of six years, unless otherwise directed, from the date of its final publication.

Inspection of electoral rolls and connected Papers.

17. Every person shall have the right to inspect the electoral rolls referred to under rule 16 and get attested copies thereof on payment of Rs. 3/- per page or part thereof to be paid in cash-against a receipt.

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| 18. The papers referred to the rule 16 shall, on the expiry of the period specified therein, be disposed of in such manner as the State Election Commission may direct. | Disposal of electoral rolls and connected Papers. |
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CHAPTER-III
OFFICERS AND THEIR DUTIES

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| 19. The duties of the Municipal Electoral Registration Officer shall be as specified under Sections 6 and 7 of the Act. | Duties of Municipal Electoral Registration Officer. |
| 20. The duties of the Municipal Returning Officers shall be as specified under Sections 9,10 and 11 of the Act. | Municipal returning Officers and their duties. |
| 21. Appointment of Polling Personnel shall be as specified under Sections 13 of the Act. | Appointment of polling personnel. |

CHAPTER - IV
CONDUCT OF ELECTIONS

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| 22. A Upon Constituting a new Municipality by the State Government or on the expiration of the duration of existing Municipality or on its dissolution and completed before the expiry of the duration of the Municipality, the State election Commission shall, in Form-17 'A', call upon Municipality to elect Councilor/Councilors to fill vacancy/vacancies. | Election Programme. |
| 22. B (1) The State Election Commissioner shall frame a programme of general elections of the Municipalities or a programme to fill up any casual vacancy in a Municipal Committee or hold election to a Municipal Committee which has been dissolved (hereinafter referred to as "Election Programme"). | Election Programme. |
| (2) The election programme shall specify the date or dates on, by/ or within which- | |
| (i) the nomination papers shall be presented ; | |
| (ii) the nomination papers shall be scrutinised ; | |
| (iii) a candidate may withdraw his candidature ; | |
| (iv) the list of contesting candidates shall be affixed ; | |
| (v) the list of polling stations shall be pasted ; | |
| (vi) the poll, if necessary shall be held from 7 A.M. to 3 P.M. (the hours of poll shall not be less than six hours) ; | |
| (vii) the counting in the event of poll, shall be done (here time and place fixed for the purpose shall also be specified) ; and | |
| (viii) the result of the election shall be declared. | |

- (3) The election programme shall be published seven days before the date of filing of nomination papers by pasting a copy in his/her office and at the office of the Municipal Electoral Registration Officers, Municipal Committee, Deputy Commissioner, Additional Deputy Commissioner and at such other conspicuous places in the said Municipal Committee as may be determined by the Municipal Returning Officer in this behalf.
- (4) As soon as the notification calling upon a Municipality to elect a member or members is issued, the Commission shall, by notification in form 17 (B) appoint-
- (a) the last date for making nominations, which shall be seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday ;
 - (b) the date for the scrutiny of nominations, which shall be the second day after the last day of making nominations or, if that day is a public holiday, the next day which is not a public holiday ;
 - (c) the last date for the withdrawal of candidatures, which shall be the third day after the last date for the scrutiny of nominations or, if that day is a public holiday, the next day which is not a public holiday ;
 - (d) the date or dates on which a poll shall, if necessary, be taken, which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures ; and
 - (e) the date before which the election shall be completed.
- (5) The State Election Commission may by an order amend, vary or modify the election programme:

Provided that unless the State Election Commission otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of the order.

Notice of election.

23. The Municipal Returning Officer shall on the date on which the Election Programme is issued by the State Election Commission under rule 22 shall affix a notice in Form 17 (C) at his office and at the office of the Municipal Electoral Registration Officer, Deputy Commissioner, Additional Deputy Commissioner, and Municipal Committee, and such other places as the Municipal Electoral Registration Officer may determine to :-
- (a) invite nomination papers of candidates for elections ;
 - (b) fix the date, time and place where and when the nomination papers shall be submitted ;
 - (c) specify the authority to whom nomination shall be submitted;
 - (d) fix the date, time and place for the scrutiny of nomination papers of candidates;
 - (e) fix the date time and place and authority for the receipt of notice of withdrawals;
 - (f) fix the date time and place for the allotment of symbols; and
 - (g) fix the date and time of poll, if necessary.

Explanation.- The dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under rule 22 in this behalf.

24. The State Election Commission shall specify, by notification published in the official gazette, the symbols for allotment in the election. Notification of symbol.
25. (1) Any person registered as a voter within the Municipal Committee and as prescribed under section 40 of the Act, may be nominated as a candidate by another person, who is also a voter registered in the electoral roll of that Municipal Committee. Nomination of candidates for election.
- (2) The nomination paper in Form 18 duly filled up and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of rule 23 by each candidate either in person or by his proposer between 11 A.M. and 3.00 P.M. on the date specified for the filing of nomination papers.
- (3) In any ward which is reserved for women, the nomination papers shall not be treated as valid, unless the nomination paper contains a declaration by the candidate is being verified by a competent authority of State Government, certifying that the candidate is a woman.
26. (1) Every nomination for general category shall be accompanied by a security deposit as prescribed under section 41 of the Act. Security deposits.
- (2) If a candidate by whom or on whose behalf the deposits have been made, withdraws his candidature with the time specified in the rule 23 or if the nomination of any such candidate is rejected the deposits shall be returned to the person by whom it was made or if such person is dead, to his legal representatives, after the date of declaration of result of election.
- (3) If the contesting candidate is not elected and the number of valid votes polled by is less than one sixth of the total number of valid votes polled, the deposit shall be forfeited to the State Government.
- (4) The deposit shall, where it is not forfeited under sub-rule (3), be returned to the candidate by whom it was made or if he is dead, to legal representatives, after the notification of the result of the Election is issued and published in the Official Gazette.
27. Notice of nomination shall be given in Form 19, as specified under section 42 of the Act. Notice of nominations.
28. Scrutiny of nomination shall be as specified under Section 43 of the Act. Scrutiny of nomination papers.
29. (1) Any candidate may withdraw his/her candidature by notice in writing in Form-21 subscribed by him/her and delivered to the Municipal Returning Officer or the Authority specified in this behalf under clause (e) of rule 23, before 3 P.M. on the date specified under rule 23 in this behalf, and no person who has thus withdrawn his/her candidature shall be allowed to cancel the notice of withdrawal. Withdrawal of candidature.
- (2) Upon receiving such a notice of withdrawal of candidature, the Municipal Returning Officer or the specified authority shall cause a notice in Form-22 to this effect to be affixed in some conspicuous place in his/her office and at the offices of the Municipal Committee and Municipal Electoral Registration Officer concerned.
30. On completion of the scrutiny of the nomination papers and after the expiry of the period within which candidature may be withdrawn under rule 29, the Municipal Returning Officer shall forthwith prepare a list of contesting candidates as specified under section 46 of the Act, in English in Form 23 and cause it to be affixed at some conspicuous place in his/her office and at the office of the Municipal Committees and Municipal Electoral Registration Officer concerned and shall also supply a copy thereof, to each of the contesting candidates and on demand to his election agent. List of contesting candidates.

- Allotment of symbols to candidates.
31. (1) List of symbols specified in Schedule -I, II and III of these rules shall be used in such election as are specifically provided under these rules.
- (2) Every nomination paper submitted under these rules shall contain a declaration
- (a) The particular symbol which the candidate has chosen for his/her first preference out of the list symbols prescribed under rule.
- (b) Candidate shall choose two other symbols out of that list for second and third preference respectively.
- (c) When more nomination paper than one delivered by candidate or on behalf of a candidate, the declaration to the symbol made in the first nomination paper be accepted and no other declaration as to symbols shall be taken into consideration.
- Reserved symbols.
- (3) The list of symbols prescribed in this schedule I and II reserved for the candidates belonging to the recognized National Parties and the State/ regional Parties respectively.
- Provided that this reserved symbols shall be allotted only to the candidate formally sponsored by the respective political parties and that a candidate shall be deemed to have been set up by a political party if:-
- (a) He/She has made a declaration to that effect in nomination paper.
- (b) He/She communicates in writing to the respective Returning Officer to that effect not later than the time fixed for scrutiny of nomination paper, and
- (c) The said communication is signed by the President, Secretary or any other office bearer authorized by the party to send such communication in advance to Returning Officer concerned and to the State Election Commissioner.
- Choice of free Symbol by the candidate.
- (4) A candidate in a Municipal election from any Municipal ward shall give an order of preference of not more than three symbols specified in the Schedule-III.
- Notwithstanding anything in the Rule 24, if at any election, the choice of symbols made by the candidates exceeds the number of free symbols specified in schedule III, the District Municipal election Officer with the approval of State election Commission may for smooth conduct of election, by an order specify additional free symbols for allotment by the Returning Officer to each of the Candidate.
- Notwithstanding anything in the sub-rule (1) of the Rule 31, if at any election, the choice of symbols made by the candidates exceeds the number of free symbols specified in schedule I, the Municipal Election Officer with the approval of State Election Commission may for smooth conduct of election, by the order specify additional free symbols for allotment by the Returning Officer to each of the candidate.
- Appointment of election agent and revocation of such appointment.
- 32.A. (1) If a candidate desires to appoint an election agent such appointment shall be made in Form 24-(A) either at the time of delivering nomination paper or at any time before election.
- (2) Appointment of the election agent may be revoked by the candidate at any time by a declaration in writing in Form-24(B) signed by him/her and lodged with the Returning officer such revocation shall take effect from the date on which it is lodged. In the event of such revocation or in the event of election agent dying before or during the period of election, the candidate may appoint a new election agent in accordance with provision of sub rule-(1).

- 32.B (1) The contesting candidate or his/her election agent may appoint one polling agent and one relief agent for each polling station. Appointment of polling agent and revocation of such appointment.
- (2) Every such appointment shall be made in Form 24(C) and shall be made over to the polling agent for production at the polling station.
- (3) No polling agent shall be admitted into the polling station unless he/she has delivered to the Presiding Officer the instruments of his/her appointment under sub-rule (2) after duly completing and signing the declaration contained therein before the Presiding Officer.
- (4) The appointment of a polling agent may be revoked by a candidate or his/her election agent at any time before the commencement of the poll by a declaration in writing in Form 24 (D) signed by him. Such declaration shall be lodged to the presiding officer at the polling station where the agent is so appointed for duty.
- Provided that where the appointment of a polling agent is revoked or where the polling agent dies before the commencement of the poll, the candidate or his election agent may at the time before the poll is closed, appoint a new polling agent in accordance with the provision of rule.
33. Non-attendance of agent shall be dealt as specified under section 56 of the Act. Non-attendance of agent.
- 33.A (1) The maximum limit of election expenditure to be incurred by the contesting candidate or his/her authorised agent shall be as under:- Maximum election expenses and account thereof.
- (i) for Municipal Class 'A' = Rs. 1,00,000/-
- (ii) for Municipal Class 'B' = Rs. 75,000/-
- (iii) for Municipal Class 'C' = Rs. 60,000/-
- (iv) for Nagar Panchayat = Rs. 50,000/-
- (2) Every candidate contesting election to a Municipal Council or a Nagar Panchayat shall keep an account of election expenditure in a register to be called the register of election expenditure in Form 38.
- (3) The account shall be maintained by the contesting candidate either by himself/herself or by his/her authorised agent.
- (4) The account shall be correctly maintained in respect of each item of expenditure on day to day basis from the date of nomination upto the date of declaration of result, both days inclusive.
- (5) All expenditure by the candidate or his/her authorised election agent on all items of expenditure maintained in Form 39 shall be included in the aforesaid account of election expenditure.
- (6) All documents such as vouchers, receipts, acknowledgements etc. in support of expenditure incurred and recorded in the register shall be maintained correctly.
- (7) The day to day account maintained shall be made available for inspection at any time during the process of election to the Municipal Returning Officer or any other officer authorised by him/her.
- (8) Failure on the part of the candidate or his/her authorised agent, as the case may be, to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce the register of election expenditure on demand by an officer authorised to do so, shall be deemed to be a corrupt practice under section 73 of the Act.

- (9) A statement of account of the total election expenditure so maintained shall be submitted to the District Municipal Election Officer of the area under whose jurisdiction the concerned Municipal Council or the Nagar Panchayat falls, as the case may be.
- (10) The account shall be submitted within thirty days of the declaration of the result
- (11) The statement of account shall be submitted in Forms No. 39 and 40 alongwith an affidavit of the candidate in Form No. 41.
- (12) On receipt of the statement of accounts, the District Municipal Election Officer shall issue an acknowledgement in Form No. 42.

CHAPTER-V

GENERAL PROCEDURE OF ELECTION

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| Death of candidate before poll. | 34. Death of candidate before poll shall be dealt as specified under section 57 of the Act. |
| Contested and un-contested elections. | <p>35. (1) Subject to the provisions of rule 34, if there is only one contesting candidate in any ward, the Municipal Returning Officer shall forthwith declare such duly elected to fill the seat and issue a declaration in Form 25. If there is no contesting candidate in a ward the Municipal Returning Officer shall report the matter to the State Election Commission with a view to take further action as specified under sub-section(3) of section 58 of the Act.</p> <p>(2) If the number of contesting candidates in any ward is more than one, a poll shall be taken on the date specified under rule 23.</p> |
| Adjournment of poll in emergencies. | 36. Adjournment of poll in emergencies shall be as specified under section 61 of the Act. |
| Fresh poll in the case of destruction etc. of the ballot box/ electronic Voting machine. | 37. Fresh poll in the case of destruction etc. of the ballot box/ electronic voting machine shall be dealt as specified under section 63 of the Act. |
| Restriction on contest of election in more than one Municipal Committee. | 38. No person shall contest election for more than one Municipal Committee. |
| Method of voting. | <p>39. (1) At every election where a poll is taken votes shall be cast in person and given by ballot or electronic voting machine at the polling station fixed under rule 19 and no votes shall be received by proxy ;</p> <p style="padding-left: 40px;">Provided that the giving and receiving of votes by electronic voting machine, in such manner as may be prescribed under the rules or the directions issued in this behalf, by the State Election Commission, may be adopted in a ward or wards of a Municipal Committee as the State Election Commission may specify, notwithstanding anything contained in the Act or the rules made thereunder.</p> <p>(2) No voter shall vote in the same Municipal Committee more than once notwithstanding that his name inadvertently may have been registered in the electoral roll for that Municipal Committee more than once.</p> |

40. (1) If the poll at any polling station is adjourned under rule 36 the provisions of these rules with regard to poll shall apply to every such fresh poll as they apply to the original poll. Procedure on adjournment of Poll.
- (2) When an adjourned poll is recommended under rule 36, the voter who has already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The Municipal Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packets containing the marked copy of the electoral roll, required number of ballot papers and a new ballot box/electronic voting machine.
- (4) The Presiding Officer shall open the sealed packet in the presence of such candidates or their agents as may be present and use the same for the conduct of adjourned poll.
41. (1) Every Ballot box/ electronic voting machine shall be of such design as may be used at any election to the Legislative Assembly of Arunachal Pradesh. Ballot box/ electronic Voting machine and preparation of it for poll.
- (2) A paper seal shall be used for securing a ballot box/ electronic voting machine and the Presiding Officer shall affix his own signature and obtain thereon the signatures of the candidates or of such of the polling agents as are present and desirous of affixing the same. The paper seal shall be of such design as may be prescribed by the State Election Commission.
- (3) The Presiding Officer shall thereafter fix the paper seal in the space meant therefore in the ballot box/ electronic voting machine and shall then secure and seal the box in such manner that the slit for insertion of ballot paper therein remains open.
- (4) Every ballot box/ electronic voting machine used at a polling station shall bear labels, both inside and outside and marked with :-
- (a) the serial number and the name of the ward ;
- (b) the serial number and the name of polling station ;
- (c) the serial number of the ballot box/ electronic voting machine (to be filled in at the end of the label on the outside of the ballot box/ electronic voting machine only) ; and
- (d) the date of poll.
- (5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and polling agents and other persons present that the ballot box/ electronic voting machine is empty and bears the labels referred to in sub-rule (4).
- (6) The ballot box/ electronic voting machine shall then be closed, sealed and secured and placed in full view of the Presiding Officer, the candidates and the polling agents.
42. (1) Where a Polling Station is for both men and women voters, the Presiding Officer may direct that they shall be admitted in the polling station alternatively in separate batches. Facilities for women electors.
- (2) The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and the Presiding Officer in taking the poll and in particular to help in searching any woman voter in case it becomes necessary.
43. (1) Every ballot paper alongwith its counterfoil shall be in Form 26 and the particulars therein shall be in English. Form of ballot papers.
- (2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates. The ballot papers shall be printed in white colour and the design as specified by the State Election Commission.

- Arrangement at Polling Station. 44. (1) Outside each polling station there shall be displayed prominently-
- (a) a notice specifying the polling area the voters of which are entitled to vote at the polling station or where polling station has more than one polling booths, at each one of such booths or the description of the voter allotted to any such booth ; and
 - (b) another notice in English containing the list of contesting candidates prepared under rule 30, alongwith the symbols allotted under rule 31.
- (2) At each polling station there shall be set up one or more compartments in which voters can record their votes in secrecy.
- (3) The Municipal Returning Officer shall provide at each polling station required number of ballot box/ electronic voting machines, copies of the relevant part of electoral roll, the ballot papers, and other articles necessary for the conduct of poll.
- Commencement of poll. 45. The Presiding Officer shall start the poll exact at the time mentioned in notice of election issued under provisions of section 60 of the Act.
- Admission to polling station. 46. The Presiding Officer shall regulate the number of voters to be admitted, at any one time inside the polling station and shall exclude therefrom all persons other than :-
- (a) Polling Officer ;
 - (b) Candidates and their agents ;
 - (c) Municipal Returning Officer or such other person as may be authorised by him ;
 - (d) Public servants on duty in connection with the election ;
 - (e) A child in arms accompanying a woman voter and a companion accompanying blind or infirm voter who cannot move without help ;
 - (f) Such other person as the Presiding Officer may employ under sub-rule (2) of rule 42, sub-rule (1) of rule 47 ; and
 - (g) State Election Commissioner or such other persons as may be authorised by him.
- Identification of voters. 47. (1) The Presiding Officer may employ at the polling station such number of persons as he/she thinks fit to help him in the identification of voters and to assist him in taking the poll.
- (2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and the other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the voter.
- (3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall over look merely clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the voter to whom such entry relates.
- Procedure for preventing impersonation of voters. 48. (1) Subject to the other provisions of this rule, every voter to whom a ballot paper has to be supplied for the purpose of voting at a polling station shall before receiving such ballot paper, allow :
- (a) the inspection of his/her left forefinger to the Presiding Officer or any Polling Officer ;
 - (b) any indelible ink mark to be put on his/her left forefinger ;
- (2) If any such person-

- (a) refuses to allow such inspection of his/her left forefinger ; or
 - (b) persists in doing any act with a view to removing such mark after it has been put, he/she shall not be entitled to be supplied with any ballot paper or to record his/her vote at the election.
- (3) No person, who already has a mark on his/her left forefinger, shall be supplied with any ballot paper and if any such person still persists for the supply of a ballot paper he shall be liable to be arrested and prosecuted for impersonation.
- (4) Any reference in this rule to the left forefinger of voter shall, where the voter has his left forefinger missing, be construed as a reference to any other finger of his/her left hand, and shall in the case where all the fingers of his/her left hand are missing, be construed as a reference to the forefinger or any other finger of his/her hand, and shall in the case where all his/her fingers of both the hands are missing be construed as a reference to such extremity of his/her left or right arm as he/she possesses.
49. (1) The voter on entering the polling station shall first allow his/her left forefinger to be inspected by a Polling Officer for the purpose of ascertaining if he/she has any mark of indelible ink on that finger, if there is no such mark, the Polling Officer-in-charge of the poll, shall ascertain the voter's name and address and such other particulars as appear on the electoral roll and after having satisfied himself/herself about the identity to the voter the Presiding Officer or the Polling Officer, as the case may be, shall put indelible ink mark to his/her left forefinger and then he/she shall be supplied with a ballot paper. The Presiding Officer or the Polling Officer as the case may be, shall, before the delivery of the ballot paper to the voter enter the serial number of the voter from the marked copy of the electoral roll in the counterfoil of the ballot paper and obtain his/her signatures. Voting Procedure.
- (2) Every ballot paper, shall, before issue to voter, be stamped with such distinguishing mark on its back as the State Election Commission may direct.
- (3) Save as provided in sub-rule (1), no person in the polling station shall note down the serial number of the ballot paper(s) issued to particular voter.
- (4) At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his/her own accord, if he/she has reason to doubt the identity of the voter or his/her right to vote at the polling station or be so required by a candidate or his/her polling agent, put to the voter the following questions :-
- (a) Are you the person enrolled as follows (reading the whole entry relating to the voter from the electoral roll) ?
 - (b) Have you already voted at the present election ?
 - (c) Such other questions as he/she may deem fit or necessary and the voter shall not be supplied with a ballot paper unless he/she answers the first question in the affirmative and the second question in the negative or he/she refuses to answer any other question in the negative or he/she refuses to answer any other question put to him/her in pursuance of this rule.
- (5) The voter on receiving the ballot paper shall forthwith,-
- (a) proceed to the voting compartment ;
 - (b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he/she intends to vote ;

- (c) fold the ballot paper so as to conceal his vote ;
- (d) if so required, show to the Presiding Officer the distinguishing mark on the ballot paper ;
- (e) insert the folded ballot paper into the ballot box/ electronic voting machine ; and
- (f) quit the polling station.

- (6) Every voter shall vote without undue delay.
- (7) No voter shall be allowed to enter a compartment when another voter is inside it.

Recording of
votes of blind
or infirm voters.

50. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, voter is unable to recognise the symbols on the ballot paper or to make mark thereon without assistance, the Presiding Officer shall permit the voter to take with him/her a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his/her behalf in accordance with his/her wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box/pressing the button against the symbol in the electronic voting machine :

Provided that no person shall be permitted to act as a companion of more than one voter at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of voter on any day under this rule, the person shall be required to declare in Form 27 that he will keep secret the vote recorded by him/her on behalf of the voter and that he/she has not already acted as the companion of any other voter at any polling station on that day.

- (2) The Presiding Officer shall keep in Form 28 record of all cases under this rule.

Spoilt and
returned Ballot
papers.

51. (1) A voter who has inadvertently dealt with his ballot paper in such manner that it can not be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying himself/herself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked “ Spoilt Cancelled” by the Presiding Officer.

- (2) If a voter after obtaining a ballot paper decides not to use it, he/she shall return it to the Presiding Officer and the ballot paper so returned shall be marked as “Returned Cancelled” by the Presiding Officer.

- (3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

Tendered
votes.

52. (1) If a person representing himself/herself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he/she shall, on satisfactorily answering such questions relating to his/her identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as “Tendered Ballot Papers”) in the same manner as any other voter.

- (2) Every such person shall before being supplied with a Tendered ballot paper, sign his/her name against the entry relating to him/her in the list in Form 29.

- (3) A Tendered ballot paper shall be the same as other ballot papers used at the polling except that it shall be-

- (a) serially the last in the bundle of ballot papers issued for use at the polling station ; and

- (b) endorsed on the back with the words “Tendered ballot papers” by the Presiding Officer in his own hand and signed by him.
- (4) The voter, after making Tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box/ electronic voting machine give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.
53. (1) If a candidate or his/her agent declares and undertakes to prove that any person by applying for ballot paper has committed the offence of impersonation, the Presiding Officer, may require such person to state his/her name and address and shall then enter such name and address in the list of challenged votes in Form 30, and shall require such person to sign such entry or, if he/she is unable to write, to affix, his thumb impression thereto and the Presiding Officer shall sign his/her name across such impression and may further require such person to produce evidence of identification :
- Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he/she makes.
- (2) If the person, so challenged, refuses to comply with such requisition he/she shall not be permitted to vote, but if such person complies with and on being questioned in the manner provided under rule 49 answers the first question in affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification, he/she produces evidence, which the Presiding Officer considers satisfactory, shall be allowed to vote after he/she has been informed of the penalty for impersonation.
- (3) If the Presiding Officer after such inquiry on the spot as he/she thinks necessary, is satisfied that the challenge made by the candidate or his/her polling agent under sub-rule (1) is frivolous and has not been made in good faith, he/she shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his/her order in this respect shall be final.
- (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.
- (5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of challenged votes in Form 30.
54. (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not admit thereto any voter after that hour :
- Provided that all voters present within the polling station before it is closed shall be entitled to cast votes.
- (2) In case of turn up of large number of voters, presiding officer shall issue slips to all the voters under his signature beginning from the last man standing in queue and shall be allowed to cast vote to all those whom the slips have been issued.
55. (1) As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box/ electronic voting machine, seal it and allow any desirous polling agent to affix his own seal. The ballot box/ electronic voting machine shall thereafter be sealed and secured properly.
- (2) Where it becomes necessary to use a second ballot box/ electronic voting machine by reason of the first ballot box/ electronic voting machine getting full, the first box shall be closed sealed and secured as provided in sub-rule (1) before another ballot box/ electronic voting machine is put into use.

Challenged
votes.

Closing of Poll.

Sealing of
ballot box/
electronic
voting
machine after
poll

- Account of ballot papers. 56. The Presiding Officer shall at the close of the poll prepare account in Form 31 and enclose it in a separate cover with the words "Ballot Papers Account" subscribed thereon.
- Sealing of other packets 57. (1) The Presiding Officer shall then make into separate packet-
- (a) the counterfoils of used ballot papers ;
 - (b) the marked copy of the electoral roll ;
 - (c) the un-used ballot papers ;
 - (d) the cancelled ballot papers ;
 - (e) the cover containing the Tendered ballot papers and the list in Form 29 ;
 - (f) the list of challenged votes in Form-30 ;
 - (g) paper seal account in Form 31 ; and
 - (h) any other papers directed by the Municipal Returning Officer to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seal of the Presiding Officer and of those agents present who may desire to affix their seal thereon.
- Transmission of Ballot box/ electronic voting machines etc. to the Municipal Returning Officer. 58. (1) The Presiding Officer shall then deliver or cause to be delivered to the Municipal Returning Officer at such place as the Municipal Returning Officer may direct-
- (a) the ballot box/ electronic voting machines as referred to in rule 55 ;
 - (b) the ballot paper account as referred to in rule 56 ;
 - (c) the sealed packets as referred to in rule 57 ; and
 - (d) all other papers used at the poll.
- (2) The Municipal Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

CHAPTER-VI

COUNTING OF VOTES AND DECLARATION OF RESULTS

- Admission to the place of counting. 59. (1) The Returning Officer shall exclude from the place fixed for the counting of votes under rule 22 a person except-
- (a) such Government servants as he may appoint to assist him in the counting;
 - (b) every candidate and his/her counting agents ;
 - (c) public servants on duty ; and
 - (d) member of the State Election Commission or any other person authorised by it.
- (2) Any person, who during the counting of votes misconducts himself/herself or fails to obey the lawful directions of the Municipal Returning Officer may be removed from that place where the votes are being counted.
- (3) The number of counting agents of candidates shall not exceed the number of counting tables, fixed for the counting of votes of the ward plus one more for the table of the Municipal Returning Officer.
- (4) Every appointment of counting agent(s) shall be made in Form 33 in duplicate, one copy of which shall be forwarded to the Municipal Returning Officer while the other copy shall be made over to the counting agent for production before the Municipal Returning Officer at the time of counting.

60. The Municipal Returning Officer shall on the date and at the time and place fixed under provision of section 67 of the Act. and shall deal with the ballot box/ electronic voting machines in the following manner, namely :-
- Scrutiny and opening of ballot box/ electronic voting machines.
- (a) all the ballot-boxes used at a polling station shall be opened at the same time ;
 - (b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals, as have been fixed thereon and to satisfy themselves that the same are intact ;
 - (c) the Municipal Returning Officer shall satisfy himself/herself that none of the ballot box/ electronic voting machines has in fact been tampered with ; and
 - (d) if the Municipal Returning Officer is satisfied that any ballot box/ electronic voting machine has in fact been tampered with he/she shall not count the ballot papers of that box and shall follow the procedure specified under section 63 of the Act, in respect of that polling station.
61. (1) The ballot papers taken out of each ballot box/ electronic voting machine shall be arranged in convenient bundles and scrutinised.
- Scrutiny and rejection of ballot paper.
- (2) The Municipal Returning Officer shall reject a ballot paper-
- (a) if votes are given on it in favour of more than one candidate; or
 - (b) if it bears any mark or writing by which the voter can be identified ; or
 - (c) if no vote is recorded thereon ; or
 - (d) if he/she mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate, the vote has been given ; or
 - (e) if it is spurious ballot paper ; or
 - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or
 - (g) if it bears a different serial number, or is different from design of the ballot paper authorised for use at the polling station ; or
 - (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (2) of rule 49 :
- Provided that where the Municipal Returning Officer is satisfied that any such defect as is mentioned in clauses (g) and (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:
- Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is distinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.
- (3) Before rejecting any ballot paper under sub-rule (2) the Municipal Returning Officer shall allow each counting agent present reasonable opportunity to inspect the ballot paper but shall not allow him/her to handle it or any other ballot papers.
 - (4) The Municipal Returning Officer shall record on every ballot paper to which rejects, the letter "R" and the ground of rejection in abbreviated form either in his own hand or by means of rubber stamp.

- (5) All ballot papers rejected under this rule shall be bundled together.
- Counting of votes. 62. (1) Every ballot paper, which is not rejected under rule 61 shall be deemed to be valid and shall be counted after being sorted out candidate-wise :
- Provided that no packet containing Tendered ballot paper shall be opened out and no such paper shall be counted.
- (2) After the counting of all valid votes of a polling station has been completed, the Municipal Returning Officer shall make the entries in a result sheet in Form 34 and announce the particulars.
- (3) All valid ballot papers shall thereafter be bundled candidate-wise together and kept alongwith the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely :-
- (a) the name of the ward ;
 - (b) the particulars of the polling station where the ballot papers have been used ; and
 - (c) the date of counting.
- Commencement of counting after fresh poll. 63. (1) If a fresh poll is held under section 63 of the Act, the Municipal Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which has been fixed by him in that behalf and of which notice, has previously been given to the candidates and their agents.
- (2) The provisions of rule 61 and 62 shall apply to such further counting.
- Declaration of results and procedure in case of tie. 64. When the counting of vote has been completed for all the polling station in a ward, the Municipal Returning Officer shall forthwith declare the result in Form 35 in the following manner :-
- (a) the candidate who is found to have obtained the largest number of valid votes shall be declared to have been elected.
 - (b) if after the counting of votes tie is found to exist between any two candidates, and the addition of one vote entitles any of those candidates to be declared elected that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.
- Preparation of return of election. 65. When the result has been declared under rule 64, the Returning Officer shall forthwith prepare a return showing the names of the candidates, the number of votes recorded for each and the names of the candidates declared to have been elected in Form 36 and shall forthwith post a copy of the return in a conspicuous palce at his/her office and send a copy thereof to the Municipal Electoral Registration Officer. The Municipal Electoral Registration Officer shall immediately forward the names of the candidates elected to the State Election Commissioner, Arunachal Pradesh who shall notify the same in the Official Gazette.
- Custody of papers relating to elections. 66. The Municipal Returning Officer shall retain the packets of the counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected and all other papers relating to the elections in safe custody either in his/her own office or at such other place as he/she may specify in writing until the expiry of one year from the date of publication of the result of election.
- Production and inspection of election papers. 67. (1) While in the custody of the Municipal Returning Officer-
- (a) the packets of counterfoils of used ballot papers ;
 - (b) the packets of unused ballot papers ;

- (c) the packets of used ballot papers ; and
- (d) the packets of marked copies of the electoral roll

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the Election Tribunal of that District under Section 78 of the Act.

- (2) All other papers relating to the election shall be opened to public inspection and any person may apply for such an inspection or supply of certified copies thereof on payment of a fee of Rs.3 (Three) per page.
68. Subject to any directions to the contrary given by a election tribunal of that district under section 78 of the Act, the packets and other papers referred to in rule 66 shall be disposed of after the expiry of the period referred to in the rule aforesaid in such manner as the Municipal Returning Officer may deem fit :
- Provided that if an election petition is pending, the packets and other papers referred to in the said rule shall not be disposed of unless the petition is finally decided.
69. When a vacancy occurs among the members of a Municipal Committee by death, resignation or removal of any member and a new member has to be elected at his place in accordance with the provisions of sub-section (1) or sub-section (2) of section 84 of the Act, such election shall be conducted in the manner as prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after occurrence of the vacancy.
70. If any question arises regarding the interpretation of these rules, otherwise than in connection with an election petition, which has actually been presented, shall be referred to the State Election Commission, whose decision shall be final.

CHAPTER-VII

ELECTION PETITIONS AND APPEALS

71. (1) A presentation of petition shall be done as specified under section 76 of the Act. Presentation of petition.
- (2) The petitioner shall enclose with the petition copies of the petition and its enclosures equal to the number of respondents.
- (3) The election petition shall be in Form 37 .
72. Security deposit to be made with the petition as per provisions specified in section 76 of the Act. Security deposit to be made with the petition.
73. (1) An election petition may be withdrawn by the petitioner only after the permission of the Election Tribunal to whom the petition is presented. Withdrawal of petitions.
- (2) Where the application of withdrawal is granted by the Election Tribunal, a copy of the order shall be sent to the Director, Urban Local Bodies, Arunachal Pradesh.
74. (1) The place of enquiry shall be headquarters of the Election Tribunal concerned to whom the petition is made: Place and procedure of enquiry.
- Provided that the Election Tribunal to whom the petition is made, may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.
- (2) The public shall have free access to the place where enquiry into the election petition may be held.

- (3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.
- Communication on orders on petition. 75. The Election Tribunal to whom the election petition is made, shall after conclusion of the election petition, send a copy of the order to the Director, Urban Local Bodies as soon as possible.
- Abatement of appeal. 76. If before the decision of the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the State Government.




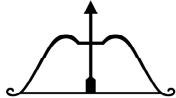

CHAPTER-VIII



MISCELLANEOUS

- Penalty for disobedience of certain orders and for contravention of rules. 77. If any person disobeys any orders issued by an officer appointed to conduct the election under the Act regarding the performance of an election duty or deliberately absents himself/herself from duty or contravenes any provisions of these rules, he/she shall be punishable with fine which may extend to five thousand rupees.
- Repeal and saving. 78. (1) The Arunachal Pradesh Municipal Elections Rules, 2010 dated 22.04.2009 are hereby superseded, provided that-
- (a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder ; and
- (b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far may be in accordance with the provisions of these rules.
- (2) Nothing in these rules shall operate to deprive any person, to whom these rules apply, of any right of appeal which has accrued to him/her under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.
- (3) A petition pending at or preferred after the commencement of there rules against an order made before such a commencement shall be considered and order thereon shall be passed in accordance with these rules.



K. Kholie, IAS,
Secretary to
Government of Arunachal Pradesh,
Department of Urban Development,
Itanagar.

**SCHEDULE-I (RULE-24)
NATIONAL PARTIES**


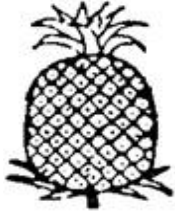
SI No.	Name of Party	Symbol reserved	Symbol
1.	Bharatiya Janta Party	Lotus	
2.	Bahujan Samaj Party	Elephant	
3.	CPI	Ears of Corn and Sickle	
4.	CPI (M)	Hammer, Siddles and Star	
5.	INC (I)	Hand	
6.	Janta Dal (C)	Chakra (Wheel)	
7.	Janata (U)	Bow & Arrow	
8.	NCP	Table Clock	

9.	RJD	Lantern	
10.	S.P	Bicycle	
11.	TMC	Flower	

**SCHEDULE - II (RULE - 24)
STATE PARTIES**

Sl No.	Name of Party	Symbol reserved	Symbol
1.	Arunachal Congress	Two Dao intersecting	
2.	PPA	Split Maize	

**SCHEDULE - III (RULE - 24)
FREE SYMBOLS**

1. Fish 	2. Horn Bill 	3. Electric Bulb 
4. Spade 	5. Umbrella 	6. Jeep 
7. Scooter 	8. Hut 	9. Pineapple 
10. Telephone 	11. Jug 	12. Kettle 
13. Apple 	14. Pot 	15. Cup & Saucer 

FORM-1
(See rule 6)

NOTICE OF PUBLICATION OF ELECTORAL ROLL

To

The voters of Ward No..... Municipal (Ward) No..... district
Arunachal Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Arunachal Pradesh Municipal Election Rules, 2010 and copy thereof is available during office hours for inspection at my office and in the office of Municipal Council/Deputy Commissioner and at the office of Municipal Electoral Registration Officer.

If there be any claim for the inclusion of a name in the electoral roll or any objection to the inclusion of a name or any objection to particularly in any entry, it should be lodged in or before..... (date) in Form 2, 3 and 4 as may be appropriate.

Every such claim or objection could be addressed to the (full address) Revising Authority and should either be presented in person or through agent or sent by registered post so as to reach him not later than the aforesaid date.

Place.....

Municipal Electoral Registration Officer

Date

FORM - 2
[See rule 9 (1) and 16]

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Revising Authority/Municipal Electoral Registration Officer.

Sir,

I request that my name be included in the electoral roll for theward relating to
Municipal Council/Nagar Panchayat.

My name (in full)

My Father's/ Mother's/Husband's Name.....

Particulars of my place of residence are :

House No.....

Street/ locality/Village/Sector

Post Office

I hereby declare that to the best of my knowledge and belief that -

- (i) I am a citizen of India.
- (ii) My age on i.e. date notified by the State Election Commission under clause (e) of rule 5(1) was yearsmonths.
- (iii) I am an ordinary resident at the address given above.
- (iv) I have not applied for the inclusion of my name in the electoral roll for any other municipal ward.
- (v) My name has not been included in the electoral roll for any ward of the above mentioned Municipal Committee

OR

That my name has been included in the electoral roll for the ward under the address mentioned below and I request that the same may be excluded from the electoral roll.

Signature/thumb-impression of claimant.
(Full postal address).

Place

Date

I am a voter included in the electoral roll of the same part in which the claimant has applied for inclusion viz. part No..... relating to my serial number therein is I support this claim and countersign it.

Signature

(Name in full) and address

*Strike out inappropriate words.

Note.- Any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

FORM-3
[See rule 9 (1)]

OBJECTION TO INCLUSION OF NAME

To

The Revising Authority,
.....Ward.

Sir,

I object the inclusion of the name of at serial Noin the electoral roll
.....ward relating toMunicipal Council/ Nagar Panchayat for the
following reasons :-

.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and
belief that my name has been included in the electoral roll for this ward as follows :-

Name in full.....

Father's/Mother's/Husband's name

Serial No.....

No. and name of the Ward relating toMunicipal Council/Nagar
Panchayat.

Signature/thumbimpression of objector
(Full postal address).....

Dated

I am a voter included in the same electoral roll in which the name objected to appears, viz, number
and name of the ward relating to..... Municipal Council/ Nagar Panchayat. My serial
number therein is..... I support this objection and countersign it.

.....

Signature/thumbimpression (Full postal address).

.....

.....

Note :- Any person who makes a statement or declaration which is false and which he either knows or
believes to be false or does not believe to be true is punishable in accordance with the law in force.

FORM - 4
[See rules 9(1) and 14]

OBJECTION TO PARTICULAR IN ANY ENTRY

To

The Revising Authority/Municipal Electoral Registration Officer,

.....Ward.

I submit that the entry relating to myself which appears at Serial No..... in the roll for ward relating to Municipal Council/Nagar Panchayat as is incorrect. It should be corrected to read as follows:-

.....

.....

Place

Date.....

.....

Signature/thumbimpression of the objector
(Full Postal Address).....

FORM-5

[See rules 9(4)(5) and rule 11]

.....Municipal Council/Nagar Panchayat

.....Ward.

Sl. No.	Name, Father's name and address	Date of presentation of claim	Date of decision with note in the presence of parties
1	2	3	4

Decesion		Signature of revising authority	Signature of official by whom effect was given to the decision of the revising authority and date
Admitted	Rejected		
5	6	7	8

FORM - 6

[See rules 9 (4) and (5) and rule 11]

REGISTER OF OBJECTION TO INCLUSION OF NAMES

.....Municipal Council/Nagar Panchayat

Sl. No.	Person objected to		Name, Father's, husband's name and address of objector	Sl.No. of objection in the roll	Date of presentation of objection
	Under name of	With Sl. No. in the roll			
1	2	3	4	5	6

Date of decision with note as to presence of parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the decision of the revision authority and date
	Admitted	Rejected		
7	8	9	10	11

FORM-7

[See rule 9(4) and (5) and rule 11]

REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

.....Municipal Council/Nagar Panchayat

..... Ward

Sl. No.	Name of the objector	Date of presentation of objection	Particulars as existed in the roll	Correct particulars as requested by the objector
1	2	3	4	5

Decision		Signature of the revising authority	Signature of official by whom effect was given to the decision of the revising authority and date
Admitted	Rejected		
6	7	8	9

FORM-7

[See rule 9(4) and (5) and rule 11]

REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

.....Municipal Council/Nagar Panchayat

..... Ward

Sl. No.	Name of the objector	Date of presentation of objection	Particulars as existed in the roll	Correct particulars as requested by the objector
1	2	3	4	5

Decision		Signature of the revising authority	Signature of official by whom effect was given to the decision of the revising authority and date
Admitted	Rejected		
6	7	8	9

**FORM - 8 [See rule 10 (1)]
LIST OF CLAIMS**

..... Municipal Council/Nagar Panchayat
..... Ward.

Date of receipt	Serial No.	Name of claimant	Name of father/ husband/mother	Address	Date, time and place of hearing
1	2	3	4	5	6

Signature of Revising Authority.

**FORM-9
[See rule 10(1)]
LIST OF OBJECTIONS FOR INCLUSION OF NAMES**

..... Municipal Council/Nagar Panchayat
..... Ward.

Date of receipt	Sl. No.	Full name of objector	Particulars of name objected to		Objection in brief	Date, time and place of hearing
			Sl. No. of entry	Name in full		
1	2	3	4	5	6	7

Signature of the Revising Authority.

FORM-10
[See rule 10(1)]

LIST OF OBJECTIONS TO PARTICULARS IN ENTRIES

Date of receipt	Sl. No.	Name in full of elector objection	Part No. and Sl. No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

Signature of Revising Authority.

FORM - 11
[See rule 10(2)]

NOTICE OF HEARING OF CLAIM

To

Full name and address of claimant

Reference/Objection No.....

Your claim for the inclusion of your name in the electoral roll will be heard at (Place) atO'clock on the day of.....20.....

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

Place

Date

Signature of Revising Authority

..... Ward.

FORM-12

[See rule 10(2)]

NOTICE OF HEARING OF OBJECTION

To

Full name and address of objection
Reference/objection No.....

Your objection to the inclusion of the name ofwill be heard at
.....O'clockday of20.....

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

Place
Date

Revising Authority.

FORM-13

[See rule 10(3)]

NOTICE OF HEARING OF OBJECTION

To

Full name and address of person objected toReference/Objection
No..... The objection to the inclusion/deletion of
your name at the serial No..... in the electoral roll for Ward relating to
..... Municipal Council/Nagar Panchayat filled by (Full name and address of
objector)Will be heard at..... (Place) atO'clock on the
day of 20.....

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

The grounds of objection (in brief) are :-

- (a)
- (b)
- (c)

Place
Date

Revising Authority,
.....Ward.

FORM - 14

[See rule 10(2)]

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN THE ELECTORAL ROLL

To

Full name and address of person objected to

Reference/Objection No.

Your objection to certain particulars in the entry relating to you will be heard at
(place) at O'clock the day of20.....

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

Place

Revising Authority,

Date

.....Ward.

FORM - 15

[See rule 12(1)]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that the list of amendments to the draft electoral roll for ward No. (ward) or Municipal Council/Nagar Panchayat has been prepared in accordance with the Arunachal Pradesh Municipal Election Rules, 2010 and a copy of the said electoral roll together with the said list of amendments has been published finally.

Place

Municipal Electoral Registration Officer.

Date.....

FORM - 16
[See rule (14)]

APPLICATION FOR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Municipal Electoral Registration Officer,

.....

.....

Sir,

I submit that the entry at Serial No..... in the electoral roll for.....Ward relating to Shri/Shrimati.....son/daughter of requires to be deleted as the said person is not entitled to be registered in the electoral roll for the following reasons.

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

I declare that I am a voter of this ward being enrolled at serial No.....

Place

Date.....

Signature or thumb impression
of applicant (full postal Address)

*Strike off the inappropriate words.

Note : - Any person who makes a statement or declaration which is false which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

FORM - 17(A)
(See rule 22.A)

NOTIFICATION

In exercise of power conferred upon under sub-section(3) of section 36 of the Arunachal Pradesh Municipal Election Act 2009 and in pursuance of the provision of Rule 22(A) of the Arunachal Pradesh Municipal Election Rule 2010, I the State Election Commissioner, Itanagar, call upon the municipality ofto elect members from

State Election Commissioner,
Arunachal Pradesh.
Itanagar.

FORM - 17(B)
(See rule 22.B)

NOTIFICATION OF ELECTION

In Pursuance of Sub Rule (4) of Rule 22 (B) of the Arunachal Pradesh Municipal (Conduct of Election) Rules, 2010 I hereby notify that Election to fill the vacancies of councilor/ward Commissioner from the under Municipal area shall be held as per schedule of programme mentioned below.

- | | |
|--|---|
| 1. Date of issue of Public Notice by
Municipal Returning Officer. | : |
| 2. Last date of filing Nomination | : |
| 3. Date of Scrutiny | : |
| 4. Last date of Withdrawal | : |
| 5. Date of Poll | : |

The respective Municipal Returning Officer shall issue public Notice of intendend Election under Rule 23 of the Arunachal Pradesh Municipal (Conduct of Election) Rules 2010 on

State Election Commissioner,
Arunachal Pradesh.
Itanagar.

FORM - 17(C)
(See rule 23)

NOTICE OF ELECTION

Notice is hereby given that :-

1. An election is to be held of a member(s) from ward No.....of Municipal Council/ Nagar Panchayat.
2. Nomination paper may be delivered by a candidate or his proposer to the(Authority) at between 11 A.M. and 3 P.M. fromto(dates).
3. Forms of nomination papers may be obtained at the place and time aforesaid.
4. The nomination papers will be taken up for scrutiny at
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the authority specified in paragraph (2) above at his office before 3 P.M. on the 20.....
6. The symbols to the contesting candidates shall be allotted on(date) at.....P.M.
7. In the event of the election being contested, the poll will be taken onbetween the hours ofand

Municipal Returning Officer.

FORM - 18
(See rule 25)
NOMINATION PAPER

Election to the Municipal Council/Nagar Panchayat
I hereby nominate

(to be filled by the proposer)

as a candidate for election from ward of Municipal Council/Nagar Panchayat
.....which is general/ward reserved for women.

1. Full name of proposer
2. Serial number of proposer in the roll of the ward from which the candidate for election has been nominated
3. Name of the candidate's father/husband
4. Full postal address of candidate
5. Serial number of the candidate in the electoral roll of the ward in which he is register as an elector

Date.....

Signature of Proposer.

(to be filled in by the candidate)

1. I, the above mentioned candidate, assent to this nomination and hereby declare :-
 - (a) that I have completed years of age ; and
 - (b) that I have not been disqualified for contest of elections under any law in force.
 - (c) that the symbols I have chosen are in order of preference.
 - (i)
 - (ii)
 - (iii)
 - (d) that except this nomination I have not given assent to any other nomination from any other ward for election.

Date.....

Signature of the candidate.

VERIFICATION BY EXECUTIVE MAGISTRATE

The above declaration is solemnly affirmed before me by who is personally known to me/who has been identified by.....

Date

Signature with seal.

Place

(Decision of Municipal Returning Officer accepting or rejecting the nomination paper).

I have examined this nomination paper in accordance with rule 29 of the Arunachal Pradesh Municipal Election Rules, 2010, and decide as follow :-

Date.....

Municipal Returning Officer.

Place.....

The symbol assigned to the candidate is

Date

Municipal Returning Officer.

Place.....

RECEIPT OF NOMINATION PAPER AND NOTICE OF SCRUTINY

(To be filled in by the Municipal Returning Officer or specified authority) Serial No. of nomination paper.....

This nomination papers was delivered to me at my office on (date) at(hours)..... and shall be taken up for scrutiny on at place of (hours)

Date

Municipal Returning Officer.

Place.....

FORM - 19

(See rule 27)

NOTICE OF NOMINATION

Election to the Municipal Council/Nagar Panchayat.....from the Ward.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today.....

Sl. No. of nomination paper	Name of candidate	Name of father/ husband	Age of Candidate	Address
1	2	3	4	5

Sl. No. of Candidate in the electoral roll	Name of proposer	Sl. No. of proposer in the electoral roll
6	7	8

Place.....

Municipal Returning Officer or Specified Authority.

Date.....

FORM - 20

[See rule in section 43(8) of the Act]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the Municipal Council/Nagar Panchayat from
..... Ward.

Sl. No.	Name of candidate	Name of father/husband	Address of candidate
1	2	3	4

Place..... Municipal Returning Officer.
Date.....

FORM - 21

[See rule 29 (1)]

NOTICE OF WITHDRAWAL

Election to the Municipal Council/Nagar Panchayat
from..... Ward.

To
The Municipal Returning Officer,
.....
.....

I, a candidate a nominated at the above election do hereby give notice that I withdraw my candidature.

Place..... Signature of Candidate.
Date.....

This notice was delivered to me at my office at(hours), on (date)
by (name).

Returning Officer or Specified Authority

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering notice)

The notice of withdrawal of candidature by a candidate at the election to the Municipal Council/ Nagar Panchayat..... from ward, was delivered to me by the at my..... office at(hours) on.....(date).

Here insert one of the following alternatives as may be appropriate :-

1. Candidate.
2. Candidate's proposer who has been authorised in writing by the candidate to deliver it.

FORM - 22

[See rule 29 (2)]

NOTICE OF WITHDRAWAL

Election to the Municipal Council/Nagar Panchayatfrom
..... Ward.

Notice is hereby given that the following candidate/candidates at the above election withdraws/ withdraw his/ their candidatures today :-

Name of candidate	Address of candidate	Remarks
1	2	3
1.		
2.		
3.		
4.		
5.		
etc.		

Date

Returning Officer or Specified Authority.

Place

FORM - 23

[See rule 30]

LIST OF CONTESTING CANDIDATES

Election to the Municipal Council/Nagar Panchayat
.....from ward.

Sl. No.	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4

Place.....

Municipal Returning Officer.

Date.....

FORM - 24 (A)
[See rule 32 (A) (1)]

Appointment of Election Agent

Election to Municipal Council/ Nagar Panchayat
from.....ward.

I.....a candidate at the above Election do hereby appoint
.....as my election agent from this day at the above election.

Place.....

Signature of Candidate

Date.....

I accept the above appointment

Place

Signature of Election Agent

Date.....

FORM - 24 (B)
[See Rule 32 (A) (2)]

Revocation of Election Agent

Election to the Election to the Municipal Council/Nagar
Panchayat from.....ward.

To

The Returning Officer,
.....
.....

I.....a candidate at the above Election do hereby revoked the
appointment of.....my election agent.

Place.....

Signature of Candidate.

Date.....

FORM - 24(C)
[See rule 32 (B)(1)]

APPOINTMENT OF POLLING AGENT

Election to Municipal Council/Nagar Panchayatfrom
..... Ward.

I,a candidate at the above election do hereby
appointas polling agent to attend polling station No..... place fixed for the
poll.....at

Place.....

Signature of the candidate.

Date.....

I agree to act as such polling agent.

Place

Signature of Polling agent.

Date

(Declaration of polling agent to be signed before Presiding Officer).

are that at the above election, I will not do any thing forbidden by the Arunachal Pradesh Municipal
Elections Act, 2010 which I have read/ has been read over to me).

Place

Signature of Polling agent.

Date

Signed before me.

Place

Presiding Officer.

Date

FORM - 24(D)
(See Rule 32(B) (2))

Revocation of appointment of Polling Agent

Election to the Municipal Council/ Nagar Panchayat
from.....ward.

To

The Returning Officer,
.....
.....

I.....a candidate at the above Election do hereby revoked the
appointment of..... polling agent/relief polling agent
..... at the polling station No. at
.....place.

Place.....
Date.....

Signature of Candidate/Election agent

FORM - 25
(See rule 35)

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED

Declaration of the result of election to Municipal Council/Nagar Panchayat
from(ward).

In pursuance of the provision contained in rule 34 of the Arunachal Pradesh Municipal
Election Rules, 2010, I declare that :-

..... (Name).
..... (Address).

has been duly elected to fill a seat in Municipal Council/Nagar Panchayat
.....

Place
Date

Signature
Municipal Returning Officer.

FORM - 26
(See rule 43)

BALLOT PAPER

Municipal Council/ Nagar Panchayat
Number and name of Ward.....
Serial Number of Elector.....
Roll/ Part Number

Signature/thumb impression.

Name of Council		ward	
1		2	
Name of Candidate		Symbol	

FORM - 27
[See rule 50(1)]

**DECLARATION BY THE COMPANION OF BLIND OR
INFIRM VOTER**

Election to Municipal Council/Nagar Panchayat Ward
Number and name of polling stations.....

I, son of
aged resident *of.....hereby declare that.

(a) I have not acted as companion of any other voter at this or any other polling station today,
theand

(b) I will not disclose the secrecy of the vote recorded by me on behalf of **
.....

Date

Signature of Companion.

Place

* Full address to be given.

** Name of voter and his/her serial No. in the electoral roll to be given.

FORM - 28

[See rule 50(2)]

LIST OF BLIND AND INFIRM VOTERS

Election to Municipal Council/ Nagar Panchayatfrom
..... ward.

Number and name of polling station

Sl. No. of voter	Full name of voter	Full name of companion	Address of companion	Signature of companion
1	2	3	4	5

Date

Signature of Presiding Officer.

FORM - 29

[See rule 52(2) and 57]

LIST OF TENDERED VOTES

Election to Municipal Council/ Nagar Panchayat
from ward.

No. and name of polling station.....

Sl. No.	Name of voter	Address of voter	Serial No. of tendered ballot paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6

Date

Signature of Presiding Officer.

FORM - 30

(See rules 53 and 57)

LIST OF CHALLENGED VOTES

Election to the municipal council/ Nagar Panchayat
 from ward.

No. and name of polling station.....

Sl. No. of voter in the electoral roll	Name and address	Signature or thumb impression of voter	Name of identifier, if any	Order of Presiding Officer in each case
1	2	3	4	5

Date

Signature of Presiding Officer.

FORM-31

(See rule 56)

BALLOT PAPER ACCOUNT

Election to the Municipal Council/Nagar Panchayat
 from.....ward.

Number and name of polling station

Serial No. From To	Total No.
-----------------------	-----------

1. Ballot papers received.....

2. Ballot papers not used.....

(a) With the signature of the presiding officer, if any, and

(b) Without signature of the Presiding Officer

Total (a+b)

3. Ballot papers issued to voters. Ballot Paper used at the polling Station but

NOT INSERTED INTO THE BALLOT BOX.....

4. Ballot papers cancelled

(a) for violation of voting procedure under rule 36 and

(b) for any other reason

(c) Ballot papers used as tendered ballot papers.....

Total (a+b+c)

5. Ballot papers to be bound in the Ballot Box

(3 - 4 = 5)

Date

Signature of Presiding Officer

**PART-II
RESULT OF COUNTING**

Name of candidate	No. of valid votes polled
1	2
1.	
2.	
3.	
4.	
5.	
etc.	
	Total
	Rejected ballot papers
	Total No. of ballot papers found in the ballot box/electronic Voting machine(es).....
	Difference, if any

Dated

Signature of Counting Supervisor.

Signature of the Municipal Returning Officer

FORM - 32
[See rule 41(2)]

PART - I
RECORD OF PAPER SEAL USED

Election to Municipal Council/ Nagar Panchayat
from ward.

Number and name of polling station

Serial No. of ballot box/ electronic voting machine used	Serial No. of paper seal used	Remarks
1	2	3

PART - II
ACCOUNT OF PAPER SEAL

Signature of Polling Agent

Signature of Polling Agent

- | | |
|---|---------|
| 1. Serial No. of paper seal supplied to
.....tototal | 1. |
| 2. No. of paper seals used to
Total | 2. |
| 3. No. of unused paper seals
to total | 3. |
| 4. Serial No. of damaged seals, if any,
..... to total. | 4. |

Place

Date

Signature of Presiding Officer.

FORM- 33
[See rule 59 (4)]

APPOINTMENT OF COUNTING AGENTS

Election to the Municipal Council/ Nagar Panchayat
from ward.

I, a candidate at the above election do hereby appoint the following persons as my counting agents to attend the counting of votes at

Address of the Counting Agent.

- 1.
- 2.
- 3.

Signature of Candidate.

I agree to act as such counting agent.

- 1.
- 2.
- 3.

Signature of Counting Agent.

Declaration of counting agent to be signed before the Municipal Returning Officer.

I hereby declare that at the above election, I shall not do anything forbidden by section 53 and 54 of the Arunachal Pradesh Municipal Elections Act, 2009, which I have read has been read over to me.

- 1.
- 2.
- 3.

Place.....
Date.....

Signature of Counting Agent.

Signed before me.

Municipal Returning Officer

245

FORM - 34
(See rule 62)
RESULT SHEET

Election to Municipal council/Nagar Panchayatfrom
.....ward.

Sl. No. and name of polling station	No. of valid votes polled in favour of				Total of valid votes polled	No. of Rejected votes	Total votes polled (Col. 3+4)	Remarks
	A.	B.	C.	D.				
1	2	3	4	5	6			

Total No. of valid votes polled in all polling stations of the ward.

Total No. of rejected votes at all polling stationsof ward.

Total number of votes polled (Valid/rejected) in the ward.

Place

Municipal Returning Officer.

Date

N.B :- In Col. 2-A, B, C and D denote the name of contesting candidates.

FORM - 35
(See rule 64)

**DECLARATION OF RESULT OF ELECTION WHEN SEAT IS
CONTESTED**

Election to Municipal Council/ Nagar Panchayat
..... fromward.

In pursuance of the provisions contained in rule 64 of the Arunachal Pradesh Municipal Election Rules, 2010, I declare that (Name)
(Address)..... had been duly elected to fill the seat in
the.....Municipal Council/ Nagar Panchayat from the above ward.

Place

Municipal Returning Officer.

Date

FORM - 36
(See rule 65)
RETURN OF ELECTION

Election to Municipal Council/ Nagar Panchayat
from.....ward.

Sl. No. of candidate	No. of valid votes polled
1.	
2.	
3.	
4.	
5.	
etc.	

Total No. of votes polled

Total No. of valid votes polled

Total No. of rejected votes

I declare that (Name)(address) has been duly elected
to fill the seat inMunicipal Council/ Nagar Panchayat.

Place

Municipal Returning Officer.

Date

FORM - 37
[See rule 71(3)]

I, the petitioner in the accompanying election petition calling in
question the election of Shri/Shrimatifrom respondent No.....in
the said petition make solemn affirmation/ oath and say-

- (a) that the statements made in paragraphs of the accompanying election
petition about the commission of corrupt practice and the particulars
of such corrupt practice mentioned in paragraphsof the Schedule annexed
thereto are true to my knowledge ;
- (b) that the statement made in paragraphs of the said petition about the commission
of the corrupt practice ofand the particulars of such corrupt practice given
in paragraphsof theof the said petition and in paragraphs
.....of the Schedule annexed thereto are true to my knowledge :
- (c)
- (d)
- (etc.)

Signature of the Deponent

Solemnly affirmed/sworn by Shri/ Shrimati.....at this.....
day of 20.....

Before me.

Executive Magistrate

** Here Specify the name of the corrupt practice.

FORM - 38
[See rule 33-A (2)]

**REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNT OF
ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION
TO NAGAR PANCHAYAT/ MUNICIPAL COUNCIL**

1. Name of the candidate
2. Ward from which contested
3. Seat for which contested
4. Date of filing nomination
5. Date of declaration of result

Date of expenditure	Nature of Expenditure	Amount of Exp.		Date of payment
		Paid	Outstanding	
1	2	3	4	5

Name and Address of Payee	No. of vouchers in case of amount paid	No. of bills in case of amount outstanding	Name and address of person to whom the amount outstanding is payable	Remarks
6	7	8	9	10

Certified that this is a true copy of the account kept by me/ my election agent.

Signature of Contesting Candidate

FORM - 39**DETAILS OF ELECTION EXPENSES (THE CONTESTING CANDIDATE) FOR THE
ELECTION TO MUNICIPAL COUNCIL/NAGAR PANCHAYAT**

-
1. Name of contesting candidate
2. Name of Ward
-

Item of expenditure where money	Sources from of Exp. procured	Amount of Exp.
1	2	3

1. Expenditure on security deposit.
2. Expenditure on purchase of copies of electoral rolls.
3. Expenditure on printing of manifestos and expenditure on printing of posters and hand bills etc.
4. Expenditure on pasting of posters
5. Expenditure on writing on wall and on publication of advertisements.
6. Hiring charges of places for public meetings and hiring charges of pandals etc. for public meeting.
7. Hiring charges of loudspeakers for public meetings.
8. Hiring charges on vehicle and POL by the candidate.
9. Hiring charges and POL on vehicle used by election agents/polling agents.
10. Misc. expenses (other than those listed above).

Date(s) of payment	Mode of payment	Evidence of payment enclosed with the account	Remarks
4	5	6	7

Signature of Contesting Candidate

FORM-40
[See rule 33-A(11)]

**PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE
BY CONTESTING CANDIDATES FOR ELECTION TO MUNICIPAL
COUNCIL/NAGAR PANCHAYATS**

-
1. Name of the candidate
 2. Ward from which contested
 3. Seat for which contested
 4. Date of filing nomination
 5. Date of declaration of result
-

Date of expenditure	Nature of expenditure	Amount of Exp.		Date of payment
		Paid	Outstanding	
1	2	3	4	5

Name and address of payee	No. of vouchers in case of amount paid	No. of bills in case of the amount outstanding	Name and address of person to whom outstanding is payable	Remarks
6	7	8	9	10

Certified that this is a true copy of the account kept by me/my election agent.

Signature of Contesting Candidate.

FORM-41
[See rule 33-A(11)]

AFFIDAVIT

I, son/ wife/ daughter of aged years..... r/odo hereby solemnly and sincerely state and declare as under :-

1. That I was a contesting candidate at the general election/ bye-election to the ward of, the result of which was declared on

2. That I/my election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorised by me or by my election agent between (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.

3. That the said account was maintained in Forms 38, 39 and 40 appended to the Arunachal Pradesh Municipal Election Rules, 2010 and a true copy thereof is annexed hereto with the supporting vouchers/ bills mentioned in the said account.

4. That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.

5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge, that nothing is false and nothing material has been concealed.

Deponent,

Solemnly affirmed/sworn by
at this day of
20..... before me.

FORM - 42
[See rule 33-A (12)]
ACKNOWLEDGEMENT

The detailed accounts of the election expenses on prescribed form in respect of Shri/Shrimati (candidate) from(ward) result of which was declared on (date) has been filed by him on (date) has been received by me today the (date) of (month)..... (year).

District Municipal Election Officer
District
Arunachal Pradesh.
