

bench, box, ladder, bale, or other thing whatever so as to form an obstruction thereto or encroachment thereon ;

(b) project, at a height of less than twelve feet from the surface of the street, any board or chair, beyond the line of the plinth of any building over any street, or over any open channel, drain, well or tank in any street ;

(c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

(2) Nothing in clause (a) of sub-section (1) applies to building materials.

231. The Commissioner may, without notice, cause to be removed,—

(a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be created or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act after the appointed day ;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon from or to any place in contravention of this Act ;

(c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Commissioner may, without notice remove anything erected, deposited or hawked or exposed for sale in contravention of Act.

232. The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture which it would be unlawful to erect or set-up under this Act, has been erected or set-up before the appointed day, to remove the said wall, fence, rail, post, step, stall or other structure or thing:

Provided that, if in any such case the structure or fixture shall have been lawfully erected or set-up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Power to require removal of any structure or fixture erected or set-up before the appointed day.

233. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer who shall deal therewith as with an animal found straying.

Prohibition of tethering of animals in public streets.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, etc., to be erected on streets on festivals.

234. ¹[With the concurrence, in any area for which a Commissioner of Police has been appointed, of the Commissioner of Police or any officer nominated by him and elsewhere, of the District Magistrate or any officer nominated by him,] the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning Execution of Works in or near to Streets.

Street when broken up for any municipal purposes to be restored without delay.

235. Wherever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed ; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close streets in which work is in progress.

236. (1) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit ; and shall set up a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

237. Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Precautions to be taken for public safety whilst municipal works are in progress in any street.

238. (1) Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall—

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings ;

(b) have any place where the soil or pavement has been opened or broken up, fenced and guarded ;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 236 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

¹ This portion was substituted for the original portion by Bom. 56 of 1959, s. 3, Sch.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or set up for any of the purposes of this section.

239. (1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, posts, chain or other material or thing forming part of any street ;

(b) deposit any building materials in any street ; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or (c) of sub-section (1) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1) or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

240. Any person to whom any permission is granted under section 239 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

241. (1) Every person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay to the satisfaction of the Commissioner.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

Precautions for public safety to be taken by persons to whom permission is granted under section 239.

Persons to whom permission is granted under section 239 must reinstate streets, etc.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions
to be made
by persons
granted
permission
under
section 239
for traffic,
etc.

242. The Commissioner may, by written notice, require any person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or whom, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reasons of the execution of the said work.

Buildings at
corners of
streets.

243. (1) The Commissioner may, with the approval of the Standing Committee, require by written order the corner of any building which has already been erected or which is to be newly erected or which is to be reconstructed or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (1).

¹[*Provision for parking or halting places or lots.*]

Provision
for parking
or halting
places or
lots and fees
or charges
therefor.

243A. (1) The Commissioner may, in consultation with the Commissioner of Police, or where there is no Commissioner of Police, the police officer who ranks highest in the hierarchy of police officers in the Corporation area, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of a public street or public place.

(2) The Commissioner may charge such fees or charges from any person for use of such place or lot by him for parking or halting a vehicle, for each day or part thereof, subject to such terms and conditions as the Commissioner may think fit, with the approval of the Corporation.]

¹. This heading and section 243A was inserted by Mah. 13 of 1992, s. 3.

Sky-signs and Advertisements.

244. (1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign of the kind prescribed by rules whether existing on the appointed day or not. ¹[Where a sky-sign is a poster depicting any scence from a cinematographic film, stage play or other stage performance, such permission shall not be granted, unless prior scrutiny of such poster is made, by the Commissioner and he is satisfied that the erection or fixing of such poster is not likely to offend against decency or morality. A permission under this section] ²[may be granted or renewed for a period not exceeding two years] from the date of each such permission or renewal, subject to the condition that such permission shall be deemed to be void if—

Regulations
as to sky-
signs.

(a) any addition is made to the sky-sign except for the purpose of making it secure under the direction of the City Engineer ;

(b) any change is made in the sky-sign, or any part thereof ;

(c) the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(d) any addition or alteration is made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, involving the disturbance of the sky-sign or any part thereof ;

(e) the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained after the appointed day upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

¹. These words were substituted for the words "Such written permission" by Mah. 42 of 1976, s. 20.

². These words were substituted for the words "shall be granted, or renewed, for any period exceeding two years" by Bom. 18 of 1953, s. 3 and Second Schedule.

Regulation
and control
of advertise-
ment.

245. (1) The Commissioner may, by notice in writing, require the owner or the person in occupation of any land, building, wall, hoarding or structure to take down or remove, within such period as is specified in the notice, any advertisement upon such land, building, wall, hoarding or structure.

(2) If the advertisement is not taken down or removed within such period, the Commissioner may cause it to be taken down or removed, and the expenses reasonably incurred on the taking down or removal thereof shall be paid by such owner or person.

(3) ¹[Except in case of posters depicting any scene from a cinematographic film, stage play or other stage performance, the provisions of this section] shall not apply to any advertisement which—

(a) is exhibited within the window of any building ;

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

(c) relates to the business of any railway administration ;

(d) is exhibited within any railway station or upon any wall or other property of a railway administration, except any portion of the surface of such wall or property fronting any street.

Dangerous places and places where some work affecting human safety or convenience is carried on.

Hoads to
be set up
during work
on any
building
adjacent to
streets.

246. (1) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(2) No hoard or fence shall so put up without the previous written permission of the Commissioner, and every such hoard or fence, put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience ; and, in all cases in which the same is necessary to prevent

¹. These words were substituted for the words "The provisions of this section" by Mah. 42 of 1976, s. 21.

accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

247. (1) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful access thereto or to the neighbourhood thereof or if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing require the owner or occupier thereof to repair, protect or enclose the said place or take such other setp as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure safety or convenience of such persons.

Commis-
sioner to
take
proceedings
for
repairing or
enclosing
dangerous
places or
places
where some
work
affecting
safety or
convenience
is carried
on.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure safety or convenience at such work and any expense incurred by the Commissioner in taking such temporary measure shall be paid by the owner or occupier of the place to which the said notice refers.

248. (1) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard or fence which he may be required to provide under section 246, screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood and other material.

Protective
measures
during
demolition
work.

(2) If any such work is commenced in contravention of sub-section (1), the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

Lighting of Streets.

249. (1) The Commissioner shall—

(a) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all buildings vesting in the Corporation ;

(b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ;
and

Public
streets to be
lighted.

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation shall from time to time determine.

(2) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon any immovable property without being liable to any claim for compensation thereat :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Watering of Streets.

Measures
for watering
streets.

250. The Commissioner may—

(a) take measures for having the public streets watered at such time and seasons in such manner as he shall think fit ;

(b) procure and maintain such vehicles, animals and apparatus as he shall think fit for the said purpose.

Miscellaneous.

Prohibition
of removal,
etc., of
lamps or
any other
municipal
property on
streets.

251. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(a) any lamps, lamp-post or lamps-iron set up in any public street or in any municipal garden, open space or market or building vesting in the Corporation ;

(b) any electric wire for lighting any such lamp ;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

(d) any property of the Corporation on any street ;

and no person shall wilfully extinguish the light or damage and appurtenance of any such lamp.

Persons
accidentally
breaking
lamps, etc.,
to repair the
damage.

252. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him.

CHAPTER XV.

BUILDING REGULATIONS.

Notices regarding Erection, etc., of Buildings.

253. (1) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in the form prescribed in the by-laws and containing all such informations as may be required to be furnished under the by-laws.

Notice to be given to Commissioner of intention to erect building.

(2) Every such notice shall be signed in the manner prescribed, in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

(3) In this Chapter the expression “to erect a building” means—

(a) newly to erect a building on any site whether previously built upon, or not,

(b) to re-erect—

(i) any building of which more than one-half of the cubical contents of the building above the level of the plinth have been pulled down, burnt, or destroyed,

(ii) any masonry building of which more than three-fourths of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than three quarters of the number of the posts of beams in the external walls have been pulled down,

(c) to convert into a dwelling house any building or part of a building not originally constructed for human habitation or originally so constructed, 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 by any structural alteration into a place of religious worship or into a sacred building any place or building not originally meant or constructed for such purpose,

(f) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space,

(g) to convert by a structural alteration two or more tenements in building into a greater or lesser number,

(h) to make any structural alteration in a building so as to affect its drainage or sanitary arrangements or its stability,

(i) to convert into a stall, shop, warehouse or godown any building not originally constructed for use as such, or

(j) to construct in a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land,

and each of the above operations shall be deemed to be the erection of a new building for the purposes of this Chapter.

Notice to be
given to
Commis-
sioner of
intention to
make
additions,
etc., to
building.

254. (1) Every person who shall intend—

- (a) to make any addition to a building,
- (b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet,
- (c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts or beams in any such wall thereof as aforesaid or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial fee,
- (d) to make any alteration in a building involving—
 - (i) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or
 - (ii) the conversion of any passage or space in such building into a room or rooms,
- (e) to repair, remove, construct, reconstruct or add to any portion of a building abutting on a street which stands within the regular line of such street,
- (f) to carry out any work in a building involving—
 - (i) the construction or re-construction of a roof,
 - (ii) the conversion of a roof into a terrace,
 - (iii) the conversion of a terrace into a roof, or
 - (iv) the construction of a lift shaft,
- (g) to carry out any repairs to a building involving the construction of a floor of a room (excluding the ground floor),
- (h) to permanently close any door or window in an external wall, or
- (i) to remove or reconstruct the principal staircase or to alter its position,

shall give notice to the Commissioner, in the form prescribed in the bye-law and containing all such information as may be required to be furnished under the bye-laws.

(2) Every such notice shall be signed in the manner prescribed in the bye-laws and shall be accompanied by such documents and plans as may be so prescribed.

Plans, etc.,
submitted to
be rejected
if not drawn
etc., in
prescribed
manner.

255. The Commissioner shall decline to accept any plan, section, description, structural drawings or structural calculations as sufficient for the purposes of this Act which are not drawn, given, prepared, or signed in the manner prescribed in the bye-laws.

256. If any requisition made by the Commissioner in accordance with the rules requiring the production of further particulars and details is not complied with, the notice given under section 253 or 254 shall be deemed not to have been given.

Effect of non-compliance with requisition made by Commissioner.

Commencement of work.

257. Every person who intends to erect a new building or execute any such work as is described in section 254, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the by-laws.

Supervision of buildings and works.

258. If at any time after permission to proceed with any building or work has been given under the rules, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 253 or 254, or of further information, if any, furnished, he may cancel such permission, and any work done thereunder shall be deemed to have been done without his permission.

Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

259. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 254 make an inspection thereof, without giving previous notice of his intention so to do.

Inspection of building in course of erection, alteration, etc.

260. ¹[(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 261, 264, 267 and 478. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.]

Proceedings to be taken in respect of building or work commenced contrary to rules or by-laws.

²[(1A)] If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or by-laws ³[the Designated Officer], unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall—

(a) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to ³[the Designated Officer], to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

¹. Sub-section (1) was inserted by Mah. 2 of 2012, s. 11(1).

². The existing sub-section (1) was re-numbered as sub-section (1A), *ibid*, s. 11(1).

³. These words were substituted for the words "the Commissioner", *ibid*, s. 11(2).

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of ¹[the Designated Officer] why such building or work shall not be removed, altered or pulled down ¹[the Designated Officer] may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Building or works commenced contrary to Act may be cut into and laid open for purpose of inspection.

261. If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section 260 anything has been done contrary to any provision of this Act or of any rule or bye-laws, or that anything required by any such provision, rule or bye-law to be done has been omitted to be done ;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

²[the Designated Officer] may, with the approval of the Standing Committee, by a written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or bye-law, and that nothing required by any such provision, rule or bye-law to be done has been omitted to be done, compensation shall be paid by ²[the Designated Officer] to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

262. The Commissioner may, at any time, during the erection of a building or the execution of any such work as aforesaid or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule or bye-law, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected, or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision, rule or bye-law to be amended or to do anything which by any such provision, rule or bye-law may be required to be done but which has been omitted to be done.

¹ These words were substituted for the words "the Commissioner", by Mah. 2 of 2012, s. 11(3).

² These words were substituted for the words "the Commissioner", *ibid*, s. 12.

263. (1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work as is described in section 254, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form prescribed in the bye-laws signed and subscribed in the manner so prescribed, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

Completion certificates ; permission to occupy or use.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until—

(a) permission has been received from the Commissioner in this behalf, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

¹[*Lawfully erected structures infringing rules or bye-laws.*]

263A. (1) If any hut or shed erected or constructed before the appointed day is contrary to the provisions of any rules or bye-laws relating to the erection or construction of huts or sheds, and it appears to the Commissioner that it is necessary in the public interest that such hut or shed or any part thereof be demolished or altered, the Commissioner may by written notice require the owner thereof to demolish or alter such hut or shed or any part thereof, or on or before such date, as may be specified in such notice, by writing subscribed by the owner or an agent duly authorised in that behalf and addressed to the Commissioner, show a sufficient cause why such hut or shed should not be demolished or so altered.

Power to require demolition or alteration of lawfully constructed huts or sheds infringing rules or bye-laws.

(2) If such person fails to show sufficient cause to the satisfaction of the Commissioner why such hut or shed or any part thereof should not be demolished or so altered, he shall demolish or alter the hut or shed within such time as he is required so to do by the Commissioner ; and if he fails to do so, the Commissioner may demolish or alter the hut or shed.

(3) The Commissioner shall pay compensation to every person who sustains loss or damage by the demolition or alteration as aforesaid of any hut or shed (including any cost of demolition or alteration).]

Dangerous Structures.

264. (1) If it shall at any time appear to ²[the Designated Officer] that any structure (including under this expression, any building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure) is in a ruinous

Removal of structures, etc., which are in ruins or likely to fall.

¹ This heading and section 263A was inserted by Bom. 19 of 1956, s. 2.

². These words were substituted for the words "the Commissioner", by Mah. 2 of 2012, s. 13(1).

condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, ¹[the Designated Officer] may, by written notice, require the owner or occupier of such structure to pull down, secure, remove or repair such structure or thing or do one or more of such things and to prevent all cause of danger therefrom.

(2) ²[The Designated Officer] may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or thing, to set up a proper and sufficient hoard or fence for the protection of passers-by and other person, with a convenient platform and hand-rail if there be room enough for the same and the ²[the Designated Officer] shall think the same desirable to serve as a footway for passengers outside of such hoard or fence.

(3) If it appears to ³[the Designated Officer] that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed, as may be required to arrest the danger.

(4) Any expenses incurred by ⁴[the Designated Officer] under sub-section (3) shall be paid by the owner or occupier of the structure.

(5) (a) Where ⁵[the Designated Officer] is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of a structure such as is referred to in sub-section (1) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person ⁵[the Designated Officer] after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to enter such adjoining premises.

(b) Every such order bearing the signature of ⁵[the Designated Officer] shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the premises reasonable written notice of this intention so to do, to enter upon the said premises with assistants and workmen, at anytime between sunrise and sunset, and to execute the necessary work.

(c) In executing any work under this section as little damage as can be, shall be done to the adjoining owner's property, and the owner or occupier of premises for the benefit of which the work is done, shall—

(i) cause the work to be executed with the least practicable delay ;

(ii) pay compensation to any person who sustains damage by the execution of the said work.

¹. These words were substituted for the words "the Commissioner" by Mah. 2 of 2012, s. 13(1).

². These words were substituted for the words "the Commissioner, *ibid.*, s. 13(2).

³. These words were substituted for the words "the Commissioner, *ibid.*, s. 13(3).

⁴. These words were substituted for the words "the Commission", *ibid.*, s. 13(4)

⁵. These words were substituted for the words "the Commissioner", *ibid.*, s. 13(5).

265. (1) It shall be incumbent on the owner of every building to maintain every part thereof and everything appurtenant thereto in such repair as to prevent its becoming dangerous. Periodic inspection of buildings.

(2) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be prescribed in the by-laws.

(3) The owner shall within two months of the inspection under sub-section (2) undertake such repairs as the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 264 after complying with all the provisions of this Act and the rules and by-laws in regard to such repairs and shall, on completion of such repairs, submit to the Commissioner a certificate signed by the person who made the inspection, of his having carried out the repairs satisfactorily.

(4) A report of every inspection made under sub-section (2) shall forthwith be submitted to the Commissioner by the person who carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section (3).

(5) The expenses incurred by the Commissioner under sub-section (4) shall be paid by the owner.

¹**[265A.]** (1) Notwithstanding anything contained in section 265, every owner or occupier of a building in respect of which a period of thirty years, from the date of, — Structural Stability Certificate.

(i) issue of its completion certificate by the Corporation ; or

(ii) issue of permission to occupy a building under section 263 ; or

(iii) its physical occupation of at least 50 per cent., of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as “ the Structural Stability Certificate”). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Commissioner in such direction.

¹. Section 265A was inserted by Mah. 6 of 2009, s. 4.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 398A.

(6) Notwithstanding anything contained in sub-section (5), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repair shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 of this Act, but no such appeal shall be entertained by the such Judge, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.]

Dangerous
opening in
buildings.

266. If it shall at any time appear to the Commissioner that any opening in any part of a building is so situated as to constitute a danger to human life, he may, by written notice, require that such opening shall be enclosed or protected by bars, grills or such other device to his satisfaction.

Works unlawfully carried on.

Powers of
[Designated
Officer] to
direct
removal of
person
directing
unlawful
work.

267. (1) If ¹[the Designated Officer] is satisfied that the erection of any building or the execution of any such work as is described in section 254 has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or execution to stop the same forthwith.

¹ These words were substituted for the words "the Commissioner", by Mah. 2 of 2012, s. 14(1).

² These words were substituted for the words "the Commissioner", *ibid.*, s. 14(3).

(2) If such erection or execution is not stopped forthwith, the ¹[Designated Officer] may direct that any person directing or carry on such erection or execution shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the re-entry of such person on the premises without his permission.

(3) The cost of any measure taken under sub-section (2) shall be paid by the said person.

²[267A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

Levy of
penalty on
unlawful
building.

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it, remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.]

Power to vacate premises.

268. (1) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice—

Power of
Commissioner
to vacate
any building
in certain
circumstances.

(a) if such building or portion thereof has been unlawfully occupied in contravention of section 263 ;

¹. These words were substituted for the words “the Commissioner” by Mah. 2 of 2012, s. 14(2).

². Section 267A was inserted by Mah. 2 of 2008, s. 2.

(b) if a notice has been issued in respect of such building or part thereof requiring the alteration or reconstruction of any existing staircase, lobby, passage or landing and the works specified in such notice have not been commenced or completed ;

(c) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 264.

(2) In every such notice the Commission shall clearly specify the reasons for requiring such building or portion thereof to be vacated.

(3) The affixing of such written notice on any part of such premises shall be deemed a sufficient intimation to the occupiers of such building or portion thereof.

(4) On the issue of a notice under sub-section (1) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall so long as the notice is not withdrawn enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(5) The Commissioner may direct that any person who acts in contravention of sub-section (4) shall be removed from such building or part thereof by any police officer.

(6) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (1), reinstate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(7) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section (6) and may also use such force as is reasonably necessary to effect entry in the said premises.

Regulation of certain classes of buildings in particular localities.

Power to regulate future construction of certain classes of buildings in particular streets or localities.

269. (1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,—

(a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality ;

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semidetached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice;

(c) that the minimum size of building plots in particular localities shall be of a specified area;

(d) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed ; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2) with a statement of its opinion thereon to the ¹[State] Government.

(5) The ¹[State] Government may pass such orders with respect to such declaration as it may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration as confirmed or modified by the ¹[State] Government shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

¹. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER XVI.

IMPROVEMENT SCHEMES.

Commissioner
to make
draft
improvement
scheme.

270. (1) Subject to provisions of sub-section (4), if it shall appear to the Commissioner—

(A) that within certain limits in any part of the City,

(a) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation,

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits or the want of light, air, ventilation or proper convenience, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings, and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer sections of the community ; or

(B) that for the purpose of providing new building sites or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City it is expedient to form new or to alter existing streets or to construct or reconstruct any bridges, causeways, sub-ways or other works appurtenant thereto in any part of the City, the Commissioner may—

(i) with the previous approval of the Corporation, which shall not be given unless the Corporation is satisfied of the sufficiency of its resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, specifying the area to which the resolution relates and the works proposed to be included in such scheme and naming a place where a map of the said area may be seen at all reasonable hours ;

(ii) during three consecutive weeks publish simultaneously in the *Official Gazette* and in the local newspapers a copy of the said notification; and

(iii) proceed to make a draft improvement scheme and submit the scheme to the Standing Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the Corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

(4) No improvement scheme shall, notwithstanding anything contained in this Chapter be made for any area for which a housing scheme has been sanctioned under the provisions of the *Bombay Housing Board Act, 1948.

Bom
LXIX
of
1948.

271. (1) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 270, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme,—

Particulars
to be
provided for
in an
improvement
scheme.

(a) shall, within the limits of the area comprised in the scheme, provide for—

(i) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or, subject to the provisions of sub-section (2), be affected by the execution of the scheme ;

(ii) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets ;

(iii) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered;

(iv) the lighting of streets so formed or altered ;

(b) may, within this limits aforesaid, provide for—

(i) the construction or reconstruction of bridges, causeways or sub-ways or any other works appurtenant thereto ;

(ii) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality ;

(iii) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(iv) the whole or any part of the sanitary arrangements required ; and

(c) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer sections of the community including the whole or part of such sections to be displaced in the execution of the scheme :

Provided that no neighbouring land shall be included in an improvement scheme unless previous notice of such inclusion has been given in the manner provided in item (ii) in sub-section (1) of section 270.

(2) If, in the opinion of the Commissioner, any land within the limits aforesaid which is not required for the execution of the scheme will, as the result of such execution, be increased in value the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge as hereinafter provided in respect of the increase in value thereof.

*See, now the Maharashtra Housing and Area Development Authority Act, 1976 (Mah. XXVIII of 1977).

(3) In making an improvement scheme for any area regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure
on
completion
of scheme.

272. (1) On the submission by the Commissioner of a draft improvement scheme, the Standing Committee shall take such scheme into its consideration and may approve the same with or without such alteration as it thinks fit.

(2) Upon the approval of an improvement scheme by the Standing Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge may be seen at all reasonable hours, and shall—

(a) communicate a copy of such notification, particulars, map and statement to the Corporation ;

(b) publish the notification in the manner prescribed for the publication of a notification under section 270.

(3) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(4) Such notice shall—

(a) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(b) require the person so served, if he objects to such acquisition or levy, to state his reasons in writing within thirty days from the date of service of the notice.

Right of
owner to
demand
acquisition
of issue of
notification
when
building
operations
are in
progress.

273. (1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 272, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall then resolve whether in its opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall

communicate its resolution within two months to the Corporation which shall within one month after receipt thereof communicate to the Commissioner the decision of the Corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of ^{I of 1894.} the Land Acquisition Act, 1894.

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2), such land shall not be included in any statement of the land proposed to be acquired, made in accordance with any notification drawn up under section 272, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding anything contained in this section, if the Corporation withdraws, from the proposal to acquire any land under sub-section (2), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provisions of sub-sections (3) and (4) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

274. (1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272, may at any time before the publication of a declaration under section 278 and after the expiry of one year from the date of such notification by written notice to the Commissioner, setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

Right of owner to demand acquisition or withdrawal by Corporation after lapse of two years from date of notification.

(2) On receipt of such notice, the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall resolve whether in its opinion it is desirable to acquire the land set out in the notice and shall, communicate its resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(3) If the Corporation decides to acquire the land, it shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of ^{I of 1894.} the Land Acquisition Act, 1894.

*Now see the Right to Fair Compensation and Transparency in Land Acquisition and Re-Settlement Act, 2013 (30 of 2013).

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2), such land shall not be included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (2), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provisions of sub-sections (3) and (4) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Standing
Committee
after
publication
and service
of notices to
forward
scheme to
Corporation
for
approval.

275. (1) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme, the Commissioner shall submit to the Standing Committee any objection or representation received under section 272 together with any suggestion he may wish to make in respect of the modification of the scheme.

(2) The Standing Committee shall, after consideration of any such objection, representation or suggestion and after inserting in the scheme such modification as it thinks fit, submit the scheme together with any objection, representation or suggestion to the Corporation for its approval.

Corporation
to consider
improvement
scheme and
to approve
or
disapprove.

276. The Corporation shall, on receipt of a scheme from the Standing Committee, proceed to take such scheme into consideration together with any objection, representation or suggestion received or made under section 272 or 275 and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner
to apply to
¹[State]
Government
for sanction
to the
scheme.

277. (1) As soon as the Corporation has approved the scheme, the Commissioner shall apply to the ¹[State] Government on behalf of the Corporation for sanction to the scheme.

(2) If the Corporation declines to approve the scheme the Commissioner shall forthwith draw up and publish in the manner provided in section 270, a notification stating that the Corporation has resolved, not to proceed with the making of the scheme, and on such publication the notification relating to the scheme published under sections 270 and 272 shall be deemed to be cancelled.

(3) An application to the ¹[State] Government under sub-section (1) for sanction shall be accompanied by—

(a) a copy of the resolution passed by the Standing Committee under section 272 ;

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(b) a copy of the resolution passed by the Corporation under section 270;

(c) a description with full particulars of the scheme including the reasons for any modification inserted therein ;

(d) complete plans and estimates of the cost of executing the scheme;

(e) a statement specifying the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge ;

(f) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (3) of section 272 objected, with the reasons (if any) stated by such persons for objections, in respect of the acquisition of their land or the levy of a betterment charge ;

(g) a schedule showing the rateable value, as entered in the Commissioner's assessment-book, at the date of the publication of a notification relating to the land under section 272, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

278. (1)(a) On receipt of the sanction of the ¹[State] Government, the Commissioner shall forward to the ¹[State] Government a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purposes.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

(b) The declaration shall be published in the *Official Gazette*, in the same manner, as an order of the ¹[State] Government and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

(2)(a) If at any time it appears to the Commissioner, the Standing Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of the ¹[State] Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement, of or the levy of a betterment charge in respect of any land other than that specified in the schedule accompanying the scheme

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

under sub-section (3) of section 277, the provisions of sections 272 and 277 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

279. If, within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-sections (2) to (5) of section 274 shall be followed.

280. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (2) of section 271, such betterment charge shall be an amount equal to one-half of the increase in value of the land, including the buildings, if any, thereon and shall be calculated upon the amount by which the value of the said land on completion of the execution of the scheme exceeds the value of the said land at the time of the publication of the notification made under section 272.

281. (1) When it appears to the Commissioner that an improvement scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Standing Committee to that effect, and the Standing Committee after considering the report may by resolution declare the date on which, for the purpose of determining the amount the betterment charge, the execution of the scheme shall be deemed to have been completed.

(2) The amount of betterment charge leviable in each case shall be determined in accordance with section 280 after following the procedure prescribed in sub-section (3) by such officer as the ¹[State] Government may by notification in the *Official Gazette*, appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being appointed under sub-section (2) the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (3) of section 272, a notice which shall state—

(a) the date declared by the Standing Committee under sub-section (1) as aforesaid;

(b) the time, being some time not less than twenty-one days after the service of the notice, and place at which the assessment of the betterment charge will be considered by such officer, and every person

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

upon whom such a notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of the betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and subject to the decision upon any reference made to the District Court as hereinafter provided in sub-section (6), the amount of the betterment charge determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied, and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(6) If any person is dissatisfied with the charge determined by the officer appointed by the ¹[State] Government under sub-section (2), the Commissioner shall, upon the application of such person at any time within one month from the date of the service of a notice under sub-section (4), refer the case for the determination of the District Court whose decision thereupon shall be final.

(7) If no application for determination by the District Court is made as provided in sub-section (6), the determination of the amount of a betterment charge by the officer appointed by the ¹[State] Government in this behalf shall be final.

I of
1894.

282. "The Land Acquisition Act, 1894, hereinafter referred to as "the Land Acquisition Act" shall, to the extent set forth in Appendix I regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and the provisions following, namely :—

Extent to
which Land
Acquisition
Act shall
apply to
acquisition
of land
otherwise
than by
agreement.

(1) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression " land " as used in the Land Acquisition Act shall be deemed to have the meaning assigned to it by clause (30) of section 2 of this Act, and clause (b) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parentheses "(including the ²[Government])" were inserted after the words "includes all persons ", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land" ;

(2) in the construction of sub-section (2) of section 4 of the Land Acquisition Act and the provision of this Chapter the provisions of the said sub-section shall, for the purposes of this Act, be applicable

¹. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Crown", *ibid.*

* Now see the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).

immediately upon the passing of a resolution under sub-section (1) of section 270 and the expression “¹[State] Government” shall be deemed to include the Commissioner, and the words “such locality” shall be deemed to mean the locality referred to in any such resolution ;

(3) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (1) of section 270 shall be deemed to be the publication of a notification under sub-section (1) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 278 shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act :

Provided that where land is acquired under section 273 or sub-section (3) of section 274 the date of publication of the notification under sub-section (2) of section 272 shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act.

(4) in the construction of sub-section (2) of section 50 of the Land Acquisition Act and the provisions of this Chapter, the Commissioner shall be deemed to be the local authority or company concerned.

(5) Notwithstanding anything contained in sub-section (1) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto :

Provided that the Collector shall, if required by the owner of such building, refer the question where such part can be severed from the remainder without material detriment or the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section :

Provided also that if, in the opinion of the Collector or, in the event of a reference of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the ¹[State] Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the ¹[State] Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme.

¹ This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

283. In determining the amount of compensation to be awarded for any land or building acquired for the purposes of this Act, the following further provisions shall apply :—

Special provisions as to compensation.

(1) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building ;

(2) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (2) of section 272 of notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of the compensation to be paid for the land or building ;

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (2) of section 272 the Court shall have due regard to the nature and the condition of the property and the probable duration of the building, if any, in its existing state and to the state of repair thereof and to the provisions of clauses (2), (5) and (6) of this section ;

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so over crowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding.

Explanation.—For the purposes of this sub-section overcrowding shall be interpreted as in section 307 ;

(5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair ;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of the demolition ;

(7) compensation may be awarded if the Court thinks fit in respect of the severance of any part of a building proposed to be acquired in addition to the value of such part.

Collector to take possession after making an award and transfer land to Corporation. **284.** When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in the ¹[Government] free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land.

CHAPTER XVII.

MUNICIPAL FIRE-BRIGADE

Maintenance of firemen and of necessary fire engines, etc. **285.** (1) With a view to the discharge by the Corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the statement of municipal officers and servants from time to time prepared by him under section 51, for a force of firemen, with a proper number of officers over them to be called " the municipal fire-brigade ", and shall furnish the said brigade with all such fire-engines, fire-escapes, vehicles, accoutrements, tools, implements and means of intercommunication as may be necessary for the efficient discharge of their duties.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

(3) The Corporation may recognise any body of persons on such terms and conditions as it may fix as a volunteer fire-brigade to supplement the municipal fire- brigade.

Powers of Chief Officer of Fire-Brigade at a fire. **286.** On the occasion of a fire the Chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may on such occasions exercise all or any of the powers specified in the rules.

Police and municipal officers and servants to aid the fire brigade. **287.** (1) It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties.

(2) Any police officer or any municipal officer may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damage done by fire-brigade to be deemed damage by fire. **288.** (1) Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aids the fire-brigade, shall be deemed to be damage by fire.

(2) No damages shall be payable for any act done in good faith by any person in any operations carried out in pursuance of section 286 or 287.

Report of fire to be submitted. **289.** A report of every fire which occurs in the City shall be submitted by the chief or other officer in charge of the fire-brigade not later than the day following the fire to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the City to the Standing Committee.

¹ This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER XVIII.

SANITARY PROVISIONS.

Scavenging and Cleansing.

290. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing,—

Commissioner to provide for cleansing of streets and removal of refuse.

(a) the daily surface-cleansing of all streets in the City and removal of the sweeping therefrom ;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of dust, ashes, refuse, rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter.

291. All matters deposited in public receptacles, depots and places provided or appointed under section 292 and all matters collected by municipal servants or contractors in pursuance of sections 290 and 293 shall be the property of the Corporation.

Refuse etc., to be the property of the Corporation.

292. The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

Provision and appointment of receptacles, depots and places for refuse, etc.

(a) dust, ashes, refuse and rubbish ;

(b) trade refuse ;

(c) carcasses of dead animals ;

(d) excrementitious and polluted matter :

Provided that the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation or in any place or manner which the ¹[State] Government thinks fit to disallow.

293. When the Commissioner has given public notice, under clause (a) of sub-section (I) of section 131, of his intention to provide, in a certain portion of the City, for the collection, removal, and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the City.

Provision may be made by Commissioner for collection etc., of excrementitious and polluted matter.

294. (1) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any temple, math, mosque, tomb or any place of religious worship or instruction to which large number of persons resort on particular occasions or in any place which is used for holding fairs or festivals.

Special sanitary arrangements at certain place.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (1) as the Corporation may from time to time fix.

Scavengers' duties in certain cases may not be discharged by private individuals without Commissioner's permission. **295.** In any portion of the City in which the Commissioner has given a public notice under clause (a) of sub-section (1) of section 131 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner to discharge any of the duties of scavengers.

Inspection and Sanitary Regulation of Premises.

Power to inspect premises for sanitary purposes. **296.** The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required. **297.** If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

Buildings or rooms in buildings unfit for human habitation. **298.** (1) If, for any reason, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the Standing Committee, by order in writing, prohibit the further use of such building or room as a dwelling :

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the Standing Committee in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters "U. H. H." to be painted on the door or some conspicuous part of, such building or room, as the case may be, and no owner or occupier

of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(3) The Commissioner shall in each such case give written instructions to the owner or occupier as to what modifications or alterations are required to be made for rendering such building or room fit for human habitation.

(4) The Commissioner may cause any person who uses any building or room in contravention of sub-section (2) to be removed from such building or room by any police officer.

(5) Where the Commissioner has prohibited the further use of a building or room, as the case may be, as a dwelling the owner of such building shall, so far as may be necessary to prevent nuisance, keep the building or room clean and wholesome.

(6) The provisions of sub-sections (6) and (7) of section 268 shall apply on the issue by the Commissioner of a certificate that the building or room, as the case may be, has been rendered fit for habitation as if such certificate were the withdrawal of notice issued under sub-section (2) of the said section.

299. (1) If it shall appear to the Commissioner that any building intended for or used as a dwelling is in any respect unfit for human habitation and does not conform with the regulations the Commissioner may, by written notice, require the owner of the building, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

Power to require repair of insanitary buildings.

(2) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building or in the land on which such building has been erected, whether as mortgagee, lessee, or otherwise.

300. (1) If it shall appear to the Commissioner that any building intended for or used as a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon any person having interest in such building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the building, which he may wish to submit, will be considered by the Standing Committee, and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

Power to order demolition of insanitary buildings.

(2) A person upon whom notice is served under sub-section (2) shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon

him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall, within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(3) The Commissioner may, with the previous approval of the Standing Committee, accept from any owner or any other person interested an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the Standing Committee, cancels the undertaking.

(4) If no such undertaking as is mentioned in sub-section (3) is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner may, with the previous approval of the Standing Committee, make a demolition order requiring that the building shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section 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 it so fit and the value which it is estimated that the building will have when the works are completed.

Procedure
where
demolition
order made.

301. (1) When a demolition order under section 300 has become operative, the owner of the building to which it applies shall demolish the building within the time limited in that behalf by the order; and, if the building is not demolished within that time, the Commissioner shall take measures to demolish the building and sell the materials thereof.

(2) Any expenses incurred by the Commissioner under sub-section (1), after giving credit for the amount realised by sale of the materials, shall be payable by the owner of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there are more than one owner, shall be paid in such proportion as the Commissioner may decide.

(3) Any person aggrieved by the decision of the Commissioner under sub-section (2) may, within a period of one month, appeal to the Judge.

302. Where in pursuance of a notice under sub-section (1) of section 299 any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulation made subsequently to such date affecting the structure of such building.

Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made subsequently.

303. (1) The Commissioner may serve upon the owner of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building or any part thereof to be demolished will be considered by the Standing Committee, and the owner shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

Power to order demolition of obstructive buildings.

(2) If, after so taking the matter into consideration, the Standing Committee resolves that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner of the building.

(3) In this section the expression " obstructive building " means a building which, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

304. (1) If, before the expiration of the period within which a building or part thereof in respect of which an order is made under section 303 is thereby required to be vacated, any owner or any person known to have an interest in such building or the site of the building makes to the Commissioner an offer for the sale of the building site or any interest therein to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6), the Commissioner shall, upon obtaining the requisite sanction under section 77 accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

Effect of order for demolition of obstructive building.

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interest acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall take measures to carry out the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by and appurtenant to the said building or part thereof, and shall pay compensation as provided in sub-section (6).

(5) The provisions of sub-sections (2) and (3) of section 301 shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 300.

(6) The Compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4), shall be the market value of the land and the building demolished, at the date of the demolition order made under sub-section (2) of section 303.

Compensation
for
acquiring
obstructive
building
recoverable
in certain
cases as
improvement
expenses.

305. (1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 303, the Commissioner may specify and declare to the Standing Committee the other buildings for the benefit of which the obstructive building or part thereof is intended to be demolished and shall serve a notice to that effect upon the owner of each of such other buildings.

(2) If in the opinion of the Commissioner the demolition of the obstructive building or part thereof adds to the value of the premises for the benefit of which the obstructive building has been demolished, the Commissioner shall determine the amount of increase in value, and shall with the approval of the Standing Committee apportion so much of the compensation to be made for the acquisition of the whole or part of the obstructive building including the site thereof as may be equal to the increase in value of the said premises amongst them.

(3) For the purpose of sub-section (2) the Commissioner shall have the like powers as are conferred on him by or under this Act for the purpose of determining the rateable value of a building or land and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

XLV of
1860.

(4) The Commissioner may declare the sum apportioned to each of the premises in respect of its increase in value to be improvement expenses incurred for the benefit of such premises and the same shall thereupon be a charge upon such premises and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(5) An appeal shall lie within a period of one month to the Judge against an order of the Commissioner under sub-section (4).

306. Any person aggrieved by a demolition order made under section 300 or section 303 may, within twenty-one days after the date of the service of a copy of the order, appeal to the Judge, and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined :

Appeal
against
demolition
orders.

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

307. (1) Where it appears to the Commissioner, whether from any certificate furnished under the rules or otherwise, that any building or any room therein used for human habitation is overcrowded, he may apply to ¹[the District Magistrate] to prevent such overcrowding, and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner or may pass such other order as he may deem just and proper.

Over-
crowded
dwellings.

Explanation.—The landlord of the lodgers, tenants or other actual inmates of a building shall, for the purposes of this sub-section, be deemed to be the owner of the said building.

(2) Notwithstanding any provision to the contrary in any other law or in any contract, every tenant, lodger or other inmate of the said building or room shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

¹. These words were substituted for the words "a Magistrate of the First Class" by Bom. 8 of 1954, s. 2, Schedule—Part III.

(3) The ¹[State] Government may from time to time after consulting the Corporation direct by order in the *Official Gazette* what shall constitute overcrowding for the purposes of this section, and may in such order specify the minimum space to be allowed for each person according to age in premises used exclusively as a dwelling and in premises used as a dwelling as well as for some other purpose.

Insanitary
huts and
sheds.

308. If the Commissioner is of opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage or ventilation, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Disposal of carcasses of animals.

Removal of
carcasses
of dead
animals.

309. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the City.

(2) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the nearest office of the municipal health department.

(3) For every carcass removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

Regulation of Public Bathing, Washing, etc.

Places for
public
bathing,
etc., to be
fixed by
Commissioner,
and
regulation
of use of
such places.

310. (1) The Commissioner may from time to time—

(a) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing or for washing animals, or for washing or for drying clothes ;

(b) specify the times at which and the sex of persons by whom, such places may be used ;

(c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart ;

¹. This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

(d) prohibit by public notice the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes ;

(e) regulate by public notice the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purposes ; and

(f) regulate by public notice the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work, and of the water in any work, assigned and set apart under this Act for any particular purpose.

(2) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (a) of sub-section (1) by any specified class or classes of persons or by the public generally.

311. Except as permitted by any order made under any provision of this Act, no person shall—

Prohibition of bathing, etc., contrary to order.

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of a river or other place vesting in the Corporation ;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(e) dry clothes in or upon any such place ; and
no person shall—

(f) in contravention of any prohibition made by the Commissioner under section 310 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section ;

(g) contravene the provisions of any notice given by the Commissioner under section 310 for the use of any such portion of a river or place for any such purpose.

312. No person shall—

Prohibition of corruption of water by steeping therein animal or other matter, etc.

(a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing-platform, lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well.

Regulations of Factories, Trades, etc.

Factory, etc.
not to be
newly
established
without
permission
of Comm-
issioner.

313. No person shall—

- (i) newly establish in any premises,
- (ii) remove from one place to another,
- (iii) re-open or renew after discontinuance for a period of not less than three years, or
- (iv) enlarge or extend the area or dimensions of,

any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, workplace or bakery without such permission :

Provided that for the purpose of clause (iii) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

Prohibition
of
corruption
of water by
chemicals,
etc.

314. No person engaged in any trade or manufacture specified in section 376 or the rules shall,—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid ;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

Prevention and checking spread of dangerous diseases.

Power of
Comm-
issioner,
Medical
Officer of
Health, etc.,
in case of
dangerous
diseases.

315. In the event of any person being found to have been attacked with a dangerous disease or any person being found suffering with such disease in any place or vehicle it shall be lawful for the Commissioner or the Medical Officer of Health or any other municipal officer to take such measures as are prescribed by rules.

Any place
may at any
time be
inspected
for purpose
of
preventing
spread of
dangerous
disease.

316. The Commissioner may at any time, by day or by night, without notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

317. If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds when necessary.

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

Closure of lodging and eating houses.

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

Special Sanitary Measures.

319. (1) In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst cattle including under this expression sheep and goats, the Commissioner, if he thinks the ordinary provisions of this Act and the rules or of any other law at the time in force are insufficient for the purpose, may, with the sanction of the ¹[State] Government —

Commissioner may take special measures on outbreak of any dangerous disease.

(a) take such special measures, and

(b) by public notice prescribe such temporary orders to be observed by the public or by any person or class of persons, as are specified in the rules and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (1).

Disposal of the Dead.

320. (1) Every owner or person having the control of any place already used for burying, burning or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the appointed day to register the same and the Commissioner shall cause the same to be registered.

Places for disposal of the dead to be registered.

(2) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor, of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(3) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(4) The Commissioner shall cause to be deposited in the municipal office at the time of registration the plan referred to in sub-section (2).

(5) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(6) Every place vesting in the Corporation used for burying, burning or otherwise disposing of the dead shall be registered in the register kept under sub-section (3), and a plan showing the locality, extent and boundaries thereof and bearing the signature of the City Engineer shall be deposited in the municipal office.

Provision of new places for disposal of the dead.

321. (1) If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any place is closed under the provisions of section 323, the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in the register kept under section 320, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(2) All the provisions of this Act and the rules and by-laws shall apply to any place provided under sub-section (1) without the City and vesting in the Corporation as if such place were situate within the City.

New places for disposal of the dead not to be opened without permission of Commissioner.

322. No place which has never previously been lawfully use as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who, with the approval of the Corporation, may grant or withhold such permission.

¹[State] Government may direct closing of any place for disposal of dead.

323. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same with its opinion, for the consideration of the ¹ [State] Government.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) Upon receipt of such opinion, the ¹[State] Government, after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published in the *Official Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

(3) On the expiration of two months from the date of any such order of the ¹[State] Government, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in such language or languages as the Corporation may from time to time specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

324. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 323 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without inconvenience or risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same with its opinion for the consideration of the ¹[State] Government.

¹[State] Government may sanction re-opening of places which have been closed for disposal of dead.

(2) Upon receipt of such opinion, the ¹[State] Government after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published as provided in section 323, direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

325. (1) No person shall, without the written permission of the Commissioner under sub-section (2)—

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship ;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 323 ;

(c) build, dig or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 320 ;

Burials within places of worship and exhumations not to be made without permission of Commissioner.

V of
1898.

(d) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, *or of any other law for the time being in force, from any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the ¹[State] Government may from time to time make in this behalf.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

* See now the Code of Criminal Procedure, 1973 (2 of 1974).

Acts
prohibited
in
connection
with
disposal of
dead.

326. No person shall—

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance ;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time think fit to require ;

(c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity ;

(f) bury or caused to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground ;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet 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 this purpose by or under the order of the Commissioner ;

(i) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied ;

(j) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground ;

(k) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XIX.

MARKETS AND SLAUGHTER HOUSES.

Maintenance and Regulation of Markets and Slaughter-houses.

327. All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called “municipal markets” or “municipal slaughter-houses”. All other markets and slaughter-houses shall be deemed to be private.

What to be deemed municipal markets and slaughter-houses.

328. (1) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a municipal market or a municipal slaughter-house or stock-yard or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets, slaughter-houses and stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets, slaughter-houses or stock yards, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

Provisions of new municipal markets and slaughter-houses.

(2) Municipal slaughter-houses and stock-yards may be situated within or, with the sanction of the ¹[State] Government, without the City.

329. The Commissioner may, with the sanction of the Corporation, at any time, close any municipal market or slaughter-house or stock-yard or any portion thereof, and the premises occupied for any market or slaughter-house or stock-yard or any portion thereof so closed may be disposed of as the property of the Corporation.

Municipal markets, slaughter-houses and stock-yards may be closed.

330. (1) It shall be lawful for the Commissioner, with the previous sanction of the Corporation, by public notice from time to time to prohibit within a distance of fifty yards of any municipal market the sale or exposure for sale of the commodities or of any of the commodities specified in the notice ordinarily sold in the said municipal market.

Prohibition of sale of commodities sold in municipal markets.

(2) Any notice issued under sub-section (1) may with like sanction at any time be cancelled or modified by the Commissioner.

331. (1) The Corporation shall from time to time determine whether the establishment of new private markets or the establishment or maintenance of private slaughter-houses shall be permitted in the City or in any specified portion of the City.

Opening of private markets and of private slaughter-houses.

(2) No person shall establish a private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any article of human food or live-stock or articles of food or live-stock or shall establish or maintain a private slaughter-house except with the sanction of the Commissioner who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (1).

¹ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

(3) When the establishment of a private market or a slaughter-house has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market is to be held.

Explanation.—For the purpose of sub-section (2) the owner or occupier of a place in which a private market or slaughter-house is established shall be deemed to have established such market.

Lavy of
stallages,
rents and
fees in
municipal
markets,
slaughter-
houses and
stock-yards.

332. The Commissioner may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the Standing Committee, in this behalf;

(b) with the approval of the Standing Committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(c) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard for such term and on such conditions as he shall think fit.

Removal of
live cattle,
sheep, goats
or swine
from any
municipal
slaughter-
house,
stock-yard,
market or
premises.

333. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or stock-yard or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house or stock-yard:

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, stock-yard, market or premises and which has not been within such slaughter-house, stock-yard, market or premises for a period longer than that prescribed under orders made by the Commissioner in this behalf, or which has in accordance with any bye-law, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (1) in respect of any animal removed to a Panjrapole shall, subject to the orders made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.

334. (1) The Commissioner may expel, from any municipal market, slaughter-house or stock-yard any person, who or whose servant has been convicted of contravening any rule, bye-law or standing order in force in such market, slaughter-house or stock-yard and may prevent such person, by himself, or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Power to expel persons contravening rules, bye-laws or standing orders.

(2) If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughter-house or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, bye-law or standing order, the Commissioner may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such time as may be mentioned in the requisition and if he fails to comply with such requisition, he may in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises.

(3) If it appears to the Commissioner that in any such case the owner or lessee is acting in collusion with a servant or agent convicted as aforesaid who fails to comply with a requisition under sub-section (2) the Commissioner may, if he thinks fit, cancel the licence of such owner or lessee in respect of such premises.

335. (1) No person shall without the written premission of the Commissioner bring into the City any cattle, sheep, goats or swine intended for human consumption, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

Prohibition of import of cattle, etc., into City without permission.

(2) Any police officer may arrest without warrant any person bringing in to the city any animal or flesh in contravention of sub-section (1).

(3) Any animal brought into the City in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any police officer or in or upon railway premises by any railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct and the proceeds, if any, shall belong to the Corporation.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of Places of Sales, etc.

336. (1) If the Commissioner shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

(2) The Commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized under sub-section (1).

(3) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale under sub-section (1) shall vest in the Corporation.

(4) No claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1) or by the use of any force necessary for effecting such entry.

Commis-
sioner to
provide for
inspection
of articles
exposed for
sale for
human
food.

337. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Unwholesome
articles, etc.,
to be seized.

338. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

Disposal of
perishable
articles
seized
under
section 338.

339. If any meat, fish, vegetable or other article of a perishable nature be seized under section 338 and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human consumption, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Saving of
Bombay
Animal
Preservation
Act, 1948.

340. Nothing in this Chapter shall be deemed to affect in any manner the operation of the provisions of the Bombay Animal Preservation Act, 1948.

Bom.
LXXXI
of
1948.

CHAPTER XX.

THE TRANSPORT UNDERTAKING.

The Operation of the Undertaking and the Construction and Maintenance of Works.

341. The provisions of this Chapter shall apply in the event of Corporation acquiring or establishing a Transport Undertaking.

Provisions of this Chapter when applicable. Management of Undertaking by Transport Manager.

342. (1) Subject to the superintendence of the Transport Committee and of the Corporation, the Transport Manager shall manage the Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation, administration and development of the Undertaking.

(2) Without prejudice to the generality of the foregoing provision, the Transport Manager may, with the sanction of the Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the City—

(a) construct or acquire Transport Undertakings, including mechanically propelled transport facilities for the conveyance of the public, subject to the provisions of the *Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any licence, permit or sanction in favour of the Corporation granted thereunder;

IV of 1939.

(b) construct buildings and works of every description necessary or desirable for the operation or development of the Transport Undertaking;

(c) purchase or take on lease or hire or otherwise acquire any movable or immovable property or rights;

IV of 1939.

(d) exercise any of the powers of a licensee holding a stage permit under the *Motor Vehicles Act, 1939, which the Corporation is for the time being authorised to exercise and any other powers exercisable by the Corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

Fares and Charges.

343. (1) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any licence granted to the Corporation thereunder, by the Transport Committee with the approval of the Corporation.

Levy of fares and charges for transport services.

¹[(2) A printed list in Marathi or English of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

* See now the Motor Vehicles Act, 1988.

¹ Sub-sections (2) to (6) were substituted for original sub-sections (2) and (3) by Mah. 27 of 1975, s. 5.

(3) The fares and charges levied under this section shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner, as the Transport Committee shall, by notice to be annexed to the aforesaid list, appoint.

(4) If any person travelling or having travelled in any vehicle of the Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or any person knowingly and wilfully refuses or neglects, on arrival at the point up to which he has paid his fare, to quit such vehicle, he shall, on conviction, be punished with fine which may extend to ¹[fifty rupees]. Such person shall (in addition to the ordinary single fare for the distance which he has travelled or where there is any doubt as to the stop from which he started, the ordinary single fare from the stop from which the vehicle originally started or in addition to any difference between any fare paid by him and the fare payable for the additional distance), be liable to pay on demand of any officer or other servant of the Transport Undertaking duly authorised in this behalf by the Transport Manager, an excess charge of a sum not exceeding ¹[fifty rupees] as the Transport Manager, with the approval of the Transport Committee, may determine in this behalf.

(5) If a passenger liable to pay the excess charge determined under the last preceding sub-section fails or refuses to pay the same on demand being made therefor, the Transport Manager or any officer or other servant duly authorised under that sub-section may apply to a Judicial Magistrate for the recovery of the sum payable as if it were a fine, and that Magistrate, if satisfied that the sum is payable, shall order it to be so recovered and, on recovery, to be paid to the Transport Manager.

(6) It shall be lawful for every municipal servant appointed under this Chapter and all persons called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (4) and whose name and address is not known and is refused by him, and the police officer-in-charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Judicial Magistrate with the least possible delay].

Acquisition and Disposal of Property.

Acquisition
of
immovable
property.

344. (1) Whenever it is necessary or expedient for the purposes of the Transport Undertaking that the Transport Manager shall acquire any immovable property, such property may be acquired by the Transport Manager on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Transport Committee either generally for any class of cases or specially in any particular case.

¹ These words were substituted for the words "ten rupees" by Mah. 20 of 1995, s. 6.

(2) Whenever the Transport Manager is unable to acquire any immovable property under sub-section (1) by agreement, the ¹[State] Government may, in its discretion, upon the application of the Transport Manager made with the approval of the Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property were land needed for a public purpose within the meaning of the ^{*}Land Acquisition Act, 1894.

(3) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the Transport Manager and thereupon the said property shall vest in the Corporation for the purposes of the Transport Undertaking.

345. With respect to the disposal of property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely —

Provisions governing disposal of municipal property.

(a) the Transport Manager may dispose of by sale, hire or otherwise, any movable property belonging to the Corporation not exceeding in value, in each instance, two thousand rupees or such higher amount as the Corporation may from time to time with the approval of the ¹[State] Government determine ;

(b) the Transport Manager may grant a lease of any immovable property belonging to the Corporation for any period not exceeding twelve months at a time :

Provided that every lease granted by the Transport Manager (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Transport Committee ;

(c) with the sanction of the Transport Committee, the Transport Manager may dispose of, by sale or otherwise, any movable property belonging to the Corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the Corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees;

(d) with the sanction of the Corporation, the Transport Manager may lease, sell or otherwise convey any property, movable or immovable, belonging to the Corporation.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

^{*} Now see the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 (30 of 2013).

Officers and Servants.

Statement
of
permanent
officers and
servants to
be prepared
by
Transport
Manager
and
sanctioned
by
Transport
Committee.

346. (1) The Transport Manager shall, from time to time, prepare and bring before the Transport Committee a statement setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purpose of the Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(2) The Transport Committee shall sanction such statement either as it stands or subject to such modifications as it deems expedient :

Provided that—

(a) no new permanent office of which the minimum monthly salary exclusive of allowances exceeds two hundred rupees shall be created without the sanction of the Corporation and no new office with a minimum monthly salary, exclusive of allowances, of five hundred rupees or more or with a maximum monthly salary exclusive of allowances of eight hundred rupees or more shall be created without the sanction of the ¹[State] Government;

(b) the Corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the Corporation and, so long as such resolution is in force, the Transport Committee shall not authorise any variation in such scales without such approval.

Explanation.—An increase in the salary of any permanent office shall be deemed, for the purpose of sub-section (2), to be the creation of a new office if, by reason of such increase, the minimum monthly salary, exclusive of allowances, exceeds two hundred rupees or amounts to five hundred rupees or more, as the case may be, or the maximum monthly salary, exclusive of allowances amounts to eight hundred rupees or more.

Restriction
on
appointment
of
permanent
officers and
servants.

347. No permanent officer or servant shall be entertained in any department of the Transport Undertaking unless his office and emoluments are included in the statement at the time being in force prepared and sanctioned under section 346.

Creation of
temporary
posts.

348. (1) The Transport Manager may create temporary posts carrying a monthly salary, exclusive of allowances, not exceeding two hundred rupees for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Transport Committee.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) The Transport Committee may create temporary posts carrying a monthly salary, exclusive of allowances, exceeding two hundred rupees for a period of not more than six months. The Committee shall forthwith report to the Corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the Corporation.

349. Subject to the provisions of sections 347 and 348, the power of appointing municipal officers and servants for the purposes of the Transport Undertaking shall vest in the Transport Manager if the minimum monthly salary, exclusive of allowances, is less than two hundred rupees and in the Transport Committee in all other cases.

Power of appointment in whom to vest.

350. (1) Subject to the provisions of the regulations, the Transport Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

Leave of absence.

(2) The Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the Committee.

REVENUE AND EXPENDITURE.

The Transport Fund.

351. Except as provided in section 91 all moneys received by or on behalf of the Corporation in respect of the operations of the Transport Undertaking shall be credited to a fund which shall be called "the City of —Transport Fund" and which shall, subject to the provisions herein contained, be held by the Corporation in trust for the purposes of the said undertaking.

Constitution of Transport Fund.

352. All moneys payable to the credit of the Transport Fund shall be received by the Transport Manager and shall be forthwith paid into the Imperial Bank of India, ¹[or any other scheduled bank] ²[or an approved co-operative bank] to the credit of an account which shall be styled "the account of the City of Transport Fund" :

Transport Manager to receive payments on account of Transport Fund and to lodge them in bank.

Provided that the Transport Manager may, subject to any general or special directions issued by the Transport Committee, retain such balances in cash as may be necessary for the operations of the Transport Undertaking:

³[Provided further that the amount of money to be paid into an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

¹ These words were substituted for the words and figures "or such other bank or banks as the Corporation may, with due sanction, have selected under section 83" by Bom. 10 of 1953, s. 5.

² These words were inserted by Bom. 19 of 1954, s. 6(1).

³ This proviso was inserted, *ibid.*, s. 6(2).

How
Transport
Fund shall
be drawn
against.

353. (1) No payment shall be made by the bank aforesaid out of the Transport Fund except on a cheque signed by two persons in the manner specified below, namely :—

(a) by the Commissioner or by the Transport Manager or in the absence of both by a municipal officer whose name appears in a list of officers authorised to sign cheques approved by the Transport Committee;

(b) by a municipal officer whose name appears in the said list, other than an officer who may have signed the cheque under clause (a).

(2) Payment of any sum due by the Corporation out of the Transport Fund in excess of one hundred rupees or such higher amount as the Transport Committee from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way,

(3) Payments not covered by sub-section (2) may be made by the Transport Manager in cash, and cheques for sums not in excess of two thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payments.

Deposit of
portion of
Transport
Fund may
be made
with bank
or agency
out of City
when
convenient.

354. Notwithstanding anything contained in sections 352 and 353, the Transport Manager may, with the previous approval of the Transport Committee from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Transport Fund, and any moneys payable to the credit of the Transport Fund or chargeable there-against, which can, in the opinion of the Transport Manager, be most conveniently paid into or out of the account of the Fund at any such bank or agency may be so paid.

Only sums
covered by
budget
grant to be
expended
from
Transport
Fund.

355. (1) Except as hereinafter provided, no payment of any sum shall be made by the Transport Manager out of the Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

(2) The following items shall be excepted from the prohibition in sub-section (1), namely :—

(a) sums of which the expenditure has been sanctioned by the Transport Committee under section 102 ;

(b) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Transport Fund by mistake;

(c) sums which the Transport Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation;

(d) costs incurred by the Transport Manager under section 67 ;

(e) any sum required to make good to the Municipal Fund any payment made by the Commissioner out of the Municipal Fund under the provisions of section 86 for the purpose of the Transport Undertaking.

356. Whenever any sum is expended by the Transport Manager under clause (c), (d) or (e) of sub-section (2) of section 355 he shall forthwith communicate the circumstances to the Transport Committee who shall take such action under the rules or recommend to the Corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by budget grant is expended under clause (c), (d) or (e) of sub-section (2) of section 355.

357. The moneys from time to time credited to the Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act, inclusive of,—

Purposes for which Transport fund is to be applied.

(a) the repayment to the Municipal Fund of any amount disbursed therefrom for the purposes of the Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purposes by the Commissioner at the charge of the Municipal Fund;

(b) the payment to the Municipal Fund of a sum of money equivalent to the sum which would have been payable under this Act on account of municipal taxes in respect of lands and buildings and other properties, moveable and immoveable, of the Transport Undertaking if the said lands, buildings and other properties had not vested in the Corporation;

(c) the payment of fees to the Chairman and members of the Transport Committee, and the salary and allowances of the Transport Manager;

(d) the payment of salaries and allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of the regulations or of any statement framed under this Act for the time being in force ;

(e) the payment of all expenses and costs incurred by the Transport Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, Transport Undertaking under the provisions of this Act or of any other enactment, including moneys which he is required or empowered to pay by way of compensation ;

(f) the payment of every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Transport Manager *ex-officio* in any proceeding

arising out of the acquisition, maintenance or operation of the Transport Undertaking, or under a compromise effected under section 481 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation ;

(g) every sum required by the provisions of section 359 or 360 to be transferred to the Municipal Fund ;

(h) every sum chargeable under section 108.

Investment
of surplus
moneys.

358. (1) Surplus moneys at the credit of the Transport Fund which cannot immediately or at any early date be applied to the purposes of this Act or of any loan raised for the purposes of the Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India ¹[or any other Scheduled bank] ²[or an approved co-operative bank] ³[or be invested in public securities] :

⁴[Provided that the amount of money to be deposited in an ⁵[approved co-operative bank] shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

(2) All such deposits and investments shall be made by the Transport Manager on behalf of the Corporation, with the sanction of the Transport Committee, and, with the like sanction, the Transport Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the Transport Fund.

Payments out of Surplus Balance.

Fixed
annual
payment to
Municipal
Fund.

359. (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said Fund and allowing for the retention of the cash balance specified in, or for the time being fixed under, section 98 to the credit of the said Fund, there shall be transferred to the credit of the Municipal Fund the amount provided in sub-section (2) :

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the Municipal Fund and any deficit shall be made good to the Municipal

¹ These words were substituted for the words and figures "or such other bank as the Corporation may with due sanction have selected under section 83" by Bom. 10 of 1953, s. 6.

² These words were inserted by Bom. 19 of 1954, s. 7(1).

³ These words were added by Bom. 57 of 1953, s. 2.

⁴ This proviso was added by Bom. 19 of 1954, s. 7(2).

⁵ These words were substituted for the words "approved bank" by Bom. 58 of 1954, s. 2, Schedule.

Fund out of the Revenue Reserve Fund maintained under section 360 and if the deficit still remains, it shall be made good to the Municipal Fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the Municipal Fund under sub-section (1) shall be in respect of each official year such sum as the Corporation, before the beginning of that year, may determine.

(3) The sum to be transferred under sub-section (1) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of a cheque drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

360. (1) If after making allowance for the matter mentioned in section 359 there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Transport Fund, such surplus shall be disposed of as follows :—

Disposal of
surplus
balance of
revenue.

(a) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 361 to a special fund to be called the ' Revenue Reserve Fund ', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed such sum as the Corporation shall with the sanction of the ¹[State] Government fix, in which case only such sum, if any, as is required to bring the balance to the sum so fixed shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (b), (c) and (d) ;

(b) 30 per cent. of the surplus and such additional amount as may be available under clause (a) shall be credited under a separate heading in the accounts maintained under section 361 to a special fund called ' the Transport Betterment Fund ' ;

(c) 25 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund for credit to the Welfare Fund constituted under the rules ; and

(d) 15 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund.

¹ This words was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) The Revenue Reserve Fund shall be applied to the following purposes :—

(i) in making good or in reduction of any deficit in the amount to be transferred in any year to the Municipal Fund under section 359 ; and

(ii) in meeting any charges to be defrayed out of the Transport Fund to the extent to which the balance available in the Fund is insufficient for the purpose.

(3) The Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Transport Undertaking.

(4) The amounts to be transferred to the Municipal Fund under clauses (c) and (d) of sub-section (1) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of cheques drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

Accounts of
the
Transport
Undertaking.

361. Accounts of the receipts and expenditure of the Corporation on account of the Transport Undertaking and of the properties vested or vesting in the Corporation for the purposes of the said Undertaking shall be kept in such manner and in such forms as the Transport Committee shall from time to time prescribe.

Preparation
of annual
administra-
tion report
and
statement
of accounts.

362. (1) The Transport Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Transport Fund during the said year and the balance at the credit of the Fund at the close of the said year as also an account of the balances due on loans and shall submit the same to the Transport Committee.

(2) After an examination and review of the report and statement by the Transport Committee, a copy of the report together with a copy of the Committee's review shall be forwarded to the usual or last known address of each councillor and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the Transport Manager, with the previous approval of the Transport Committee, shall determine.

CHAPTER XXI.

VITAL STATISTICS.

Registration of Births and Deaths.

363. (1) The Medical Officer of Health shall be the Registrar General of the City for the purpose of registering births and deaths. Appointment of Registrars.

(2) The Commissioner may, in consultation with the Registrar General—

(a) divide the City into such and so many divisions as he may from time to time think fit;

(b) nominate for each such division a municipal officer to be the Registrar of births and deaths ; and

(c) appoint for each Registrar a suitable station as his office within the division for which he is appointed.

364. (1) Such particulars as the Commissioner may from time to time specify regarding births and deaths shall be entered in separate register books of births and register books of deaths which shall be maintained by the Registrar General or, if the City has been divided into divisions, by the Registrar of each division. Register books to be maintained.

(2) The Commissioner shall specify the forms of the registers required to be maintained under sub-section (1) and the manner in which such registers shall be maintained.

365. (1) It shall be the duty of the Registrar General or, if the City is divided into divisions under section 363, of the Registrar of each division to inform himself carefully of every birth and death which shall happen in the City or in his division, as the case may be, and of the particulars concerning the same required to be registered under section 364, and shall, as soon after each such birth or death as conveniently may be, register the same in the book maintained for the purpose without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer. Registrars to inform themselves of all births and deaths.

(2) Other municipal officers, besides the Registrar General and the Registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the division to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the Registrar General or the Registrar of the said division, as the case may be, or to such other person as the Commissioner directs.

366. It shall be the duty of the father and mother of every child born in the City and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief, to the Registrar General or, if the City has been divided into divisions, to the Registrar of the Information of birth to be given within seven days.

division or to a municipal officer appointed under section 365 within seven days after such birth information of the particulars required to be registered concerning such birth :

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 General or Registrar, as the case may be, shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother ;

(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 ;

(c) when a child is born in any hospital, the officer in charge thereof shall be bound to forward forthwith to the Registrar General or Registrar, as the case may be, a report of such birth in such form as the Registrar General may from time to time specify.

Information
respecting
finding of
new-born
child to be
given.

367. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the Registrar General or Registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Information
of death to
be given.

368. (1) It shall be the duty of the nearest relative of any person dying in the City present at the death, or in attendance during the last illness, of the deceased and, in default of such relative, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises to give to the best of his knowledge and belief to the Registrar General or, if the City has been divided into divisions under section 363, to the Registrar of the division in which the death took place or to an officer appointed under section 365 information of the particulars required to be registered concerning such death within twenty four hours of its occurrence :

Provided that if the cause of death is known to be a dangerous disease the information aforesaid shall be given within twelve hours of its occurrence.

369. In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall within three days of his becoming cognisant of the death of such person sign and forward to the Registrar General a certificate of the cause of such person's death, in such form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

Medical practitioner who attended a deceased person to certify cause of his death.

370. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Commissioner.

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 Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid no alteration shall be made in any such register.

371. (1) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the Registrar General or, if the City is divided into divisions under section 363, to the Registrar of the division in which the birth was registered, such certificate as hereinafter mentioned, and the Registrar General or Registrar upon the receipt of that certificate shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

Registration of name of child or of alteration of name.

(2) The certificate shall be in such form as the Commissioner may from time to time prescribe, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

CHAPTER XXII.

LICENCES AND PERMITS.

I. *Licensing of Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers.*

Grant of
licenses to
Architects
or
Engineers,
Structural
Designers,
Plumbers
and Clerks
of Works.

372. (1) The Commissioner may grant to any person he thinks fit a renewable licence for a period of one year to act as (i) Surveyor, (ii) an Architect or Engineer, (iii) Structural Designer, (iv) Clerk of Works, or (v) a Plumber for the purposes of this Act.

(2) No licence shall be granted under sub-section (1) unless the person has the qualifications or experience, or both, as may be prescribed by by-laws.

(3) No application for a licence shall be refused if the applicant has the qualifications and experience prescribed by by-laws except upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(4) If the Commissioner refuses any application for a licence under sub-section (3), he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature without charge.

Orders may
be
prescribed
for guidance
of
surveyors,
etc.

373. (1) The Commissioner may with the approval of the Standing Committee from time to time issue orders for the guidance of Licensed Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers, respectively.

(2) Copies of all orders so prescribed for the time being in force shall be kept on sale at the municipal head office at such price as the Commissioner may fix and a copy thereof shall be kept available for inspection at all reasonable times at such office.

Fees and
charges of
licenced
plumbers to
be
prescribed
by Standing
Committee.

374. The Standing Committee may from time to time prescribe the fees or charges to be paid to licenced plumbers for any work done by them under or for any purpose of this Act, and no licenced plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed
plumber to
be bound to
execute
work
properly.

375. No licenced plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

II. Trade licenses and other licences for keeping animals and certain articles.

376. (1) Except under and in conformity with the terms and conditions of licence granted by the Commissioner, no person shall—

Certain things not to be kept, and certain trades and operations not to be carried on, without licence.

(a) keep in or upon any premises any article specified in the rules—

(i) in any quantity or in excess of the quantity specified in the rules as the maximum quantity of such article which may at one time be kept in or upon the same premises without a license, and

(ii) for any purpose whatever or for sale or for other than domestic use as may be specified in the case of each article in the rules ;

(b) keep in or upon any buildings intended for or used as a dwelling or within fifteen feet of such building cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weight;

(c) keep, or allow to be kept, in or upon any premises, horses, cattle or other four footed animals—

(i) for sale,

(ii) for letting out in hire,

(iii) for any purpose for which any charge is made or any remuneration is received, or

(iv) for sale of any produce thereof;

(d) carry on, or allow to be carried on, in or upon any premises—

(i) any of the trades or operations connected with any trade specified in the rules ;

(ii) any trade or operation which in the opinion of the Commissioner is dangerous to life or health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be, carried on ;

(e) carry on within the City, or use any premises for, the trade or operation of a farrier.

(2) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (ii) of clause (d) of sub-section (1), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of clause (d) of sub-section (1) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

(4) When any premises are used in the manner described in clause (c) or (d) of sub-section (1) it shall be presumed, until the contrary is proved, that the owner or occupier of such premises, or both the owner and occupier have permitted such use.

(5) It shall be in the discretion of the Commissioner—

(a) to grant any licence referred to in sub-section (1) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(b) to withhold any such licence.

(6) Every person to whom a licence is granted by the Commissioner under sub-section (3) shall keep such licence in or upon the premises, if any, to which it relates.

(7) The Commissioner may at any time by day or night enter or inspect any premises for the use of which a licence has been granted under this section.

(8) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, jute, wool or silk, or to any other large mill or factory which the Commissioner may from time to time with the approval of the Standing Committee specially exempt from the operation thereof.

Power to stop use of premises where such use is dangerous or causes nuisance.

¹[**376A.** Wherever the Commissioner is of opinion that the use of any premises for any of the purposes specified in sub-section (1) of section 376 is dangerous to life, health or property or is causing a nuisance either from its nature or by reason of the manner in which or the conditions under which the use is made and such danger or nuisance should be immediately stopped, the Commissioner may, notwithstanding anything contained in section 376, require the owner or occupier of the premises to stop such danger or nuisance within such time specified in such requisition as the Commissioner considers reasonable, and in the event of the failure of the owner or occupier to comply with such requisition, the Commissioner may himself or by an officer subordinate to him cause such use to be stopped.]

III. *Licences for sale in municipal markets.*

Prohibition of sale in municipal markets without licence of Commissioner.

377. (1) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

IV. *Licences for private markets.*

Private markets not to be kept open without licence.

378. (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) keep open, or permit to be kept open, a private market ;

(b) use or permit to be used any place in the City as a slaughter-house or for the slaughtering of any animal intended for human food ;

¹ Section 376-A was inserted by Bom. 34 of 1955, s.2.

(c) use or permit to be used any place without the City, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City :

Provided that—

(i) the Commissioner shall not refuse a licence for keeping open a private market lawfully established at the appointed day if application for such licence is made within two months thereof except on the ground that the place where the market is held fails to comply with any requirement of this Act or of the rules, by-laws or standing orders ;

(ii) the Commissioner shall not cancel or suspend or refuse to renew any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some standing order or with some by-law ;

(iii) the Commissioner may cancel or suspend any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop standing, shed, pen or other place therein ;

(iv) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(2) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market has been held.

379. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of human food, or any live-stock or food for live-stock.

Prohibition of sale in unauthorised private markets.

380. No person shall slaughter any cattle, horses, sheep, goats or pigs for removing the skin thereof or cut up the carcass of any such animal at any place outside a municipal slaughter-house or a licensed slaughter-house otherwise than in conformity with the written permission of the Commissioner.

Slaughter of animals for skins.

V. Licences for sale of Articles of Food outside of Markets.

Prohibition
of sale of
animals,
etc., except
in market.

381. No person shall, without a licence from the Commissioner, sell or expose for sale—

(a) any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market ;

(b) ices and aerated waters, kulfi, sugar-cane juice, cut or peeled fruit and vegetables, any confectionary or sweetmeats whatsoever or such other cooked food or other articles intended for human consumption as may from time to time by public notice be specified by the Commissioner, in any place other than a municipal or private market of licensed eating house or sweetmeat shop.

VI. Licensing of Butchers, etc.

Butchers
and persons
who sell
flesh of
animals to
be licensed.

382. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) carry on within the City, or at any municipal salughter-house, the trade of a butcher ;

(b) use any place in the City for the sale of the flesh of any animal intended for human consumption or any place without the City for the sale of such flesh for consumption in the City.

VII. Licences for dairy products.

Licence
required for
dealing in
dairy
produce.

383. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) carry on within the City the trade or business of a dairyman,

(b) use any place in the City as a dairy or for the sale of any dairy produce.

VIII. Licences for hawking, etc.

Licences for
sale in
public
places.

384. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article whatsoever, whether it be for human consumption or not.

Licences for
use of skill
in
handicraft
or
rendering
services for
purposes of
gain in
public place
or street.

385. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use any public place or public street for the purpose of using his skill in any handicraft or in rendering services to and for the convenience of the public.

IX. General provisions regarding licences and permits.

General
provisions
regarding
grant,
suspension
or revocation
of licences
and written
permissions
and levy of
fees, etc.

386. (1) Whenever it is provided by or under this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted and the date by which an application for the renewal of the same shall be made and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 69 to grant the same.

(2) Except as may otherwise be provided by or under this Act, for every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.

(3) Subject to the provisions of the proviso to sub-section (1) of section 378, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if he is satisfied that it has been secured by the holder through misrepresentation or fraud or if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule, by-law or standing order in any matter to which such licence or permission relates.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be :

Provided that, when an application has been made for the renewal of a licence or permission by the date specified therein, the applicant shall be entitled to act as if it has been renewed, pending the receipt of orders.

(5) Every person to whom any such licence or written permission has been granted shall, at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

(6) Every application for a licence or permission shall be addressed to the Commissioner.

(7) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not in itself entitle the person paying the fee to the licence or permission.

CHAPTER XXIII.

POWER OF ENTRY AND INSPECTION.

387. (1) The Commissioner may enter into or upon any premises, with or without assistants or workmen, which he is empowered by or under the provisions of this Act or the rules to enter or inspect or in order to make any inspection, survey, measurement, valuation or inquiry or to execute any work which is authorised by or under this Act or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any rules, by-laws, regulations or standing orders thereunder to make or execute. Power of entry and inspection.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Commissioner or any municipal officer or servant authorised by him in this behalf shall have power to enter and inspect any place or article in the following cases, namely :—

(a) any stable, garage, coach house or any place where any vehicle, boat or animal liable to tax is kept—under section 145 ;

(b) any land whereon any municipal drain has been or is proposed to be constructed—under section 155 ;

(c) any land belonging to any person for the purpose of emptying his own drain into a municipal drain—under sections 159,161,167 and 168 ;

(d) any land whereon shafts or pipes for ventilating drains are required to be fixed—under section 175 ;

(e) drains, ventilators, shafts, pipes, cess-pools, latrines, urinals, bathing and washing places—under section 181;

(f) any land which provides access to any municipal water work—under section 191;

(g) any premises which are suspected to have been used for any trade or keeping any article in contravention of section 376 ;

(h) any premises for the use of which a licence is required and has been granted under the provisions of this Act;

(i) any building during its erection or any work during its execution;

(j) any premises which are provided by the Corporation for the residence of municipal officers and servants.

Time of
making
entry.

388. (1) No such entry shall be made within sunset and sunrise :

Provided that in any case in which it has been expressly provided by or under this Act such entry may be made by day or night.

(2) Except as otherwise expressly provided by or under this Act, no building used as a human dwelling shall be entered unless with the consent of the occupier thereof without giving him at least six hours notice in writing of the intended entry and, except when it is deemed inexpedient to mention the purpose thereof, of such purpose.

(3) When such premises may otherwise be entered without notice, sufficient notice shall be given in every instance to enable the inmates of any apartment appropriated to females to remove themselves.

(4) Due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by an entry under sub-section (7) of section 376 or by the use of any force necessary for effecting such entry.

CHAPTER XXIV.

COMPENSATION.

Doing
minimum
damage in
certain
cases.

389. (1) In the exercise of the powers under the following provisions of this Act by the Commissioner or any other municipal officer or servant or any other person authorised by or under this Act to execute any work, as little damage as can be shall be done and compensation assessed in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely :—

(a) carrying any municipal drain through, across or under any street or any place laid out as or intended for a street or across any cellar or vault under any street— under sub-section (1) of section 155 ;

(b) entering upon and constructing any new drain or repairing or altering any municipal drain already constructed—under sub-section (2) of section 155 ;

(c) affixing of pipes or shafts for the purpose of ventilation of any drain or cesspool to any building or tree— under sub-section (1) of section 175;

(d) opening of any ground, any portion of a drain, any portion of a building or any work exterior to a building— under section 182 ;

(e) entering upon, and passing through any land in the vicinity of a water work or conveying or causing to be conveyed men, materials and tools through such land— under section 191;

(f) acquiring any building or land required for a public street— under section 216 ;

(g) removing or altering a structure or fixture—under sub-section (4) of section 226, sub-section (3) of section 227 and section 232 ;

(h) the rounding or spraying of a building at the corner of two or more streets—under section 243 ;

(i) cutting into, laying open or pulling down any building or work— under section 261 ;

¹[(ii) the demolition or alteration of a hut or shed— under section 263A ;]

(j) the demolition of an obnoxious building—under section 304;

(k) the destruction of an insanitary hut or shed— under section 317;

(l) the destruction of any property in exercise of the powers vested in the Commissioner for preventing a dangerous or infectious disease—under section 319;

(m) the exercise of powers or execution of any work in regard to which no express provision occurs in the Act, rules or by-laws for the payment of compensation.

(2) If in the exercise of the powers under section 191 damage is caused by an act of an officer of the ²[State] Government, compensation shall be payable by the ²[State] Government.

390. Subject to the provisions of this Act, the Commissioner or such other officer as may be authorised by him in this behalf shall, after holding such inquiry as he thinks fit, determine the amount of compensation to be paid under section 389.

Commissioner to determine compensation.

391. Any person aggrieved by the decision of the Commissioner or other officer under section 390 may, within a period of one month, appeal to the Judge in accordance with the provisions of Chapter XXVI.

Appeal.

CHAPTER XXV.

PENALTIES.

392. (1) Whoever —

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part I of the table in Appendix II or of any regulation or order made thereunder, or

Certain offences punishable with fine.

¹ This clause was inserted by Bom. 19 of 1956, s.3.

² This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

(b) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

(2) Whoever, after having been convicted of—

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part II of the table in Appendix II or of any regulation or order made thereunder, or

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, or fails to vacate any premises shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

Offences
punishable
under the
Penal Code.

393. (1) Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table or of any regulation or order made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code respectively specified in the second column of the said table as the section of the said Code under which such person shall be punishable, namely :—

XLV
of
1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
194(2), 311, clauses (a), (b), (c) and (d), 312.	277
319	188
477	177

(2) Whoever being the owner or occupier of a building fails to comply with any notice in writing given by the Commissioner under any of the provisions of this Act not referred to in sub-section (1) calling for particulars or information in connection with the preparation of the list of voters at ward elections or the municipal election roll or who furnishes particulars or information which he knows to be false or incorrect shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be.

XLV
of
1860.

(3) Any candidate who is elected councillor for more than one ward at contested ward elections and who fails to comply with a written notice lawfully given by the Commissioner requiring him to choose for which of the wards he shall serve shall be deemed to have committed an offence punishable under section 177 of the Indian Penal Code.

XLV of
1860.

(4) Whoever fails to comply with a lawful requisition, notice or order of the Commissioner for information or a written return relative to the determination of the rateable value of any building or to the levy or assessment of any municipal tax or whoever furnishes information or makes a return which he knows to be false, incorrect or misleading shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be.

XLV of
1860.

394. Any officer or servant of the Corporation who knowingly prepares¹ [or deletes or adds to or amends an entry in the list of voters] at ward elections which is incorrect or false shall, on conviction, be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Punishment
for offences
of preparing
false
election
rolls.

395. Any councillor or any member of the Transport Committee who is not a councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, and any Commissioner, Transport Manager, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under sub-clause (ii) or (iv) of sub-section (2) of section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment
for
acquiring
share or
interest in
contract
etc., with
Corporation.

XLV of
1860.

396. Whoever acts or abets the commission of an act which is in contravention of the provisions of section 61 or 62 shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

Punishment
for breach
of section 61
or 62.

397. (1) Whoever contravenes any provision of sub-section (1) of section 194 shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

Punishment
for offences
against
section 194.

(2) When any person is convicted under sub-section (1), the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

¹ These words were substituted for the words "or makes an entry in the list of persons qualified to be enrolled as voters" by Mah. 24 of 1965, s. 8.

Penalty for failure to comply with notice under section 260, 261, 264, 267 or 478.

¹[397A. (1) Any person to whom the notice under section 260, 261, 264, 267 or 478 has been served, shall on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention; or

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(2) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 260, 264, 267 or 478, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Compounding of certain offences.

397B. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (1) of section 397A.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.]

Penalty for evasion of octroi or toll.

398. Where any vehicle, animal or goods imported into the limits of the City are liable to the payment of toll or octroi any person who, with the intention of defrauding the Corporation, causes or abets the introduction of or himself introduces or attempts to introduce within the limits of the City any such vehicle, animal or goods upon which payment of the toll or octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such toll or octroi ² * * * * *.

¹ Sections 397A and 397B were inserted by Mah. 2 of 2012, s. 15.

² The words “or to two hundred and fifty rupees, whichever may be greater” were deleted by Mah. 28 of 2012, s. 5.

¹[398-1A. (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398 on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

Compounding of offence of evasion of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.]

²[398A. Whoever contravenes the provisions of section 265A, shall be punished with fine of twenty-five thousand rupees or an amount equal to the property tax of the building concerned for a period of one year, whichever is higher.]

Penalty for contravention of section 265A.

399. Whoever contravenes any provision of this Act or rules, by-law, regulation, standing order, licence, permission or notice issued thereunder or fails to comply with any requisition lawfully made under any such provision shall, if no penalty is provided in any other provision of this Act for such contravention or failure, be punished, for each such offence, with fine which may extend to one hundred rupees and with further fine which may extend to twenty rupees for every day on which such contravention or failure continues after the first conviction.

General penalty.

400. No person who receives the rent of any premises in any capacity described in paragraph (i), (ii) or (iii) of sub-clause (a) of clause (45) of section 2 shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Extent of penal responsibility of agents and trustees of owners.

401. Where a person committing an offence under this Act, or any rule, by-law, regulation or standing order is a company, or a body corporate, or an association of persons (whether incorporated or not), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Offence by companies, etc.

402. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or against any rule, regulation or by law, and, by reason of such act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

Compensation payable by offenders against this Act for damage caused by them.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

¹ Section 398-1A was inserted by Mah. 28 of 2012, s. 6.

² Section 398A was inserted by Mah. 6 of 2009, s. 5.

CHAPTER XXVI.

PROCEEDINGS BEFORE JUDGE, DISTRICT JUDGE AND MAGISTRATES.

1. *Election Inquiries.*

Procedure
in election
inquiries.

403. (1) If an application is made under section 16 for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all the candidates who were duly nominated for the seat or seats in the ward in question, whether or not the said candidates have been declared elected, and shall proceed against the candidate or candidates declared elected.

(2) The applicant shall, whenever so required by the Judge, deposit in the Court a sum of five hundred rupees in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.

(3) If, after making such inquiry as he deems necessary, the Judge find that the election of a returned candidate has been procured or induced or the result of the election has been materially affected by any corrupt practice, or any corrupt practice has been committed in the interest of a returned candidate or the result of the election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of a vote which is void, or by any non-compliance with the provisions of this Act or any rules made thereunder relating to the election, or by any mistake in the use of any prescribed form, or the election has not been a free election by reason of the large number of cases in which bribery or under influence has been exercised or committed, he shall declare the election of the returned candidate to be void and if he does not so find shall confirm the election of the returned candidate.

(4) All application received under section 16—

(a) in which the validity of the election of councillors election to represent the same ward is in question shall be heard by the same judge, and

(b) in which the validity of the election of the same councillor elected to represent the same ward is in question shall be heard together.

¹[(5) If an application is made under section 16 that any particular candidate (other than the candidate declared to have been elected) shall be deemed to have been elected, then the returned candidate or any other party may give evidence to prove that the election of the person in whose favour such declaration is sought would have been void if he had been declared elected and an application had been presented calling in question his election.

If the Judge is of opinion—

(i) that in fact any candidate in whose favour the declaration is sought has received a majority of the valid votes, or

(ii) that but for the votes obtained by the returned candidate by corrupt practices, such candidate would have obtained a majority of the valid votes,

(the judge shall after declaring the election of the returned candidate to be void declare the candidate in whose favour the declaration is sought to have been duly elected.)

¹ Sub-section (5) was substituted for the original by Mah. 31 of 1960, s. 2.

(6) The Judge's order under this section shall be conclusive.

(7) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

404. (1) If the Judge sets aside an election of a candidate on the ground that a corrupt practice has been committed in the interest of such candidate, he shall declare such candidate to be disqualified for the purpose of any fresh election which may be held under this Act.

Disqualification for election as councillor for certain election offences.

(2) If in any proceedings under section 16 the Judge finds that a corrupt practice has been committed within the meaning of that section by any person he may, if he thinks fit, declare such person to be disqualified for being elected and for being a councillor for such term of years not exceeding seven as he may fix :

Provided that no such declaration shall be made unless such person has been given a reasonable opportunity to be heard :

Provided further that the ¹[State] Government may by order in writing at any time relieve such person from such disqualification but, subject only to such order, the declaration by the Judge shall be conclusive.

II. *References to the Judge.*

405. In the following cases a reference shall be made to the Judge :—

References to the Judge.

(1) whether a councillor has ceased to hold office under section 12 ;

²[(1A) regarding removal and disqualification of a Councillor under section 13 ;]

(2) whether a person has ceased to be a member of the Transport Committee under section 26 ;

(3) whether the Commissioner may be directed to remove a shaft or pipe on the application of the owner of a building or hut under section 175 ;

(4) regarding the amount of the price for the land required for setting forward a building under section 216 ;

(5) regarding the amount or payment of expenses for any work executed or any measure taken or things done under the orders of the Commissioner or any municipal officer under section 439 ;

(6) regarding the amount or payment of expenses or compensation and the apportionment thereof falling under any of the provisions of this Act or any rule or by-law thereunder not otherwise specifically provided for.

III. *Appeals against Valuations and Taxes.*

406. (1) Subject to the provisions hereinafter contained, appeals against any reteable value ³[or the capital value, as the case may be,] or tax fixed or charged under this Act shall be heard and determined by the Judge.

Appeals when and to whom to lie.

(2) No such appeal ⁴[shall be entertained] unless—

(a) it is brought within fifteen days after the accrual of the cause of complaint ;

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² Clause (1A) was inserted by Mah. 3 of 2008, s. 5.

³ These words were inserted by Mah. 10 of 2010, s. 11 (1).

⁴ These words were substituted for the words "shall be heard" by Mah. 63 of 1975, s. 8(a)(i).

(b) in the case of an appeal against a reteable value¹[or the capital value, as the case may be,] a complaint has previously been made to the Commissioner as provided under this Act and such complaint has been disposed of ;

(c) in the case of an appeal against any tax²[including interest and penalty imposed] in respect of which provision exists under this Act for a complaint to be made to the Commissioner against the demand, such complaint has previously been made and disposed of ;

(d) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, a complaint has been made by the person aggrieved within³[twenty-one days] after he first received notice of such amendment and his complaint has been disposed of ;

(e) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value⁴[or the capital value, as the case may be]⁴[the amount of the disputed tax claimed from the appellant, or the amount of the tax chargeable on the basis of the dispute reteable value up to the date of filing the appeal, has been deposited by the appellant with the Commissioner].

⁵[(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (e) of sub-section (2), it shall be liable to be summarily dismissed.]

⁶[(3) In the case of any appeal entertained by the Judge, but not heard by him, before the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1975, the Judge shall not hear and decide such appeal unless the amount of the disputed tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value, as the case may be, up to the date of filing the appeal has been deposited by the appellant with Commissioner, within thirty days from the date of publication of a general notice by the Commissioner in this behalf in the local news-papers. The Commissioner shall simultaneously serve on each such appellant a notice under sections 473 and 474 and other relevant provisions of this Act, for intimating the amount to be deposited by the appellant with him.

Mah.
XLIII
of
1975.

(4) As far as possible, within fifteen days from the expiry of the period of thirty days prescribed under sub-section (3), the Commissioner shall intimate to the Judge the names and other particulars of the appellants who have deposited with him the required amount within the prescribed period and the names and other particulars of the appellants who have not deposited with him such amount within such period. On receipt of such intimation, the judge shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period.

¹ These words were inserted by Mah. 10 of 2010, s. 11 (2) (a) and (c).

² These words were inserted by Mah. 4 of 2009, s. 7(a).

³ These words were substituted for the words "fifteen days" by Mah. 10 of 2010, s. 11(2) (b).

⁴ This portion was substituted for portion beginning with the words "after a bill" and ending with the words "the Commissioner" by Mah. 63 of 1975, s. 8(a)(ii).

⁵ Sub-section (2A) was inserted by Mah. 10 of 2010, s. 11(3).

⁶ Sub-sections (3), (4) and (5) were inserted by Mah. 63 of 1975, s. 8(6).

(5) In the case of any appeal, which may have been entertained by the Judge before the date of commencement of the Act aforesaid or which may be entertained by him on and after the said date, the Judge shall not hear and decide such appeal, unless the amount of the tax claimed by each of the bills, which may have been issued since the entertainment of the appeal, is also deposited, from time to time, with the Commissioner in the first month of the half year to which the respective bill relates. In case of default by the appellant at any time before the appeal is decided, on getting an intimation to that effect from the Commissioner, the Judge shall summarily dismiss the appeal.]

¹[(6) An appeal against ²[the demand notice in respect of levy of cess under Chapter XIA or the Local Body Tax under Chapter XIB] shall lie,—

(i) to the Deputy Commissioner, when the demand notice is raised by the Cess Officer ³[or any other officer, not being the Deputy Commissioner];

(ii) to the Commissioner, when the demand notice is raised by the Deputy Commissioner.

(7) The appeal under sub-section (6) shall be filed within fifteen days from the date of the demand notice.]

⁴[(8) No appeal under sub-section (6) shall be entertained by the Deputy Commissioner or, as the case may be, the Commissioner unless the amount of the disputed tax claimed from the appellant has been deposited by the appellant with the Commissioner.]

407. For the purposes of section 406, cause of complaint shall be deemed to have accrued as follows, namely :—

Cause of complaint when to be deemed to have accrued.

(a) in the case of an appeal against a rateable value ⁵[or a capital value, as the case may be,] on the day when the complaint made to the Commissioner against such value is disposed of ;

(b) in the case of an appeal against any tax referred to in clause (c) of sub-section (2) of the said section on the day when the complaint against the tax is disposed of by the Commissioner ;

(c) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(d) in the case of an appeal against a tax not covered by clause (b) above on the day when payment thereof is demanded or when a bill therefor is served.

¹ Sub-sections (6) and (7) were added by Mah. 4 of 2009, s. 7 (b).

² These words, figures and letter were substituted for the words, figures and letter “the demand notice in respect of levy of cess under Chapter XIA” by Mah. 27 of 2010, s. 12(i)(a).

³ These words were inserted, *ibid.*, s. 12 (i)(b).

⁴ Sub-section (8) was added, *ibid.*, s. 12 (ii).

⁵ These words were inserted by Mah. 10 of 2010, s. 12.

Arbitration. **408.** Where any appeal against the rateable value ¹[or the capital value, as the case may be,] or tax fixed or charged under this Act is pending and all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Judge for an order of reference on such matter and on such application being made the provisions of ²[the Arbitration and Conciliation Act, 1996], relating to arbitration in suits, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Judge were a Court within the meaning of that Act and the application were an application made in a suit. 26 of 1996.

409. *[Appointment of expert valuer. Deleted by Mah. 10 of 2010, s. 14.]*

Reference to District Court. **410.** If, before or on the hearing of an appeal relating to the rateable value ³[or the capital value, as the case may be,] or tax, any question of law or usage having the force of law, or the construction of a document arises, the Judge may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the District Court.

Appeals to the District Court. **411.** An appeal shall lie to the District Court—

(a) from any decision of the Judge in an appeal under section 406 by which a rateable value ⁴[or a capital value, as the case may be,] is fixed, and

(b) from any other decision of the said Judge in an appeal under the said section, upon question of law or usage having the force of law or the construction of a document :

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

Costs of proceedings in appeal. **412.** The costs of all proceedings in appeal under section 406 before the Judge including those of arbitration under section 408 ⁵[* * * *] shall be payable by such parties in such proportion as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes under the Provincial Small Causes Courts Act, 1887. IX of 1887.

Unappealed values and taxes and decisions on appeal to be final. **413.** (1) Every rateable value ⁶[or the capital value, as the may be,] fixed under this Act against which no complaint is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Judge aforesaid upon any appeal against any such value or tax if no appeal is made therefrom under section 411 and if such appeal is made the decision of the District Court in such appeal shall be final.

¹ These words were inserted by Mah. 10 of 2010, s. 13 (a).

² These words and figures were substituted for the words and figures "Arbitration Act, 1940", *ibid.*, s. 13(b).

³ These words were inserted, *ibid.*, s. 15.

⁴ These words were substituted for the words "in excess of two thousand rupees", *ibid.*, s. 16.

⁵ The words and figures "and of valuation under section 409" were deleted, *ibid.*, s. 17.

⁶ These words was inserted, *ibid.*, s. 18.

¹[(2) Where the decision of the said Judge is not final it shall be lawful for the Commissioner to assess the property tax on the basis of the rateable value or the capital value, as the case may be determined under rule 7 or 7A of the TAXATION RULES in Chapter VIII of Schedule D from year to year, Subject, however, to the provision of section 406.]

²[413A. (1) Notwithstanding anything contained in sections 406, 407, 408, 409, 410, 411, 412 and 413, every rateable or the capital value, as the case may be, shall be subject to the valuation or revision by the Maharashtra Municipal Property Tax Board established under section 3 of the Maharashtra Municipal Property Tax Board Act, 2011 (hereinafter referred to as "the Municipal Property Tax Board").

Assessment subject to valuation or revision by Municipal Property Tax Board.

Mah. XIV of 2011.

(2) Notwithstanding anything contained in this Act, no appeal against fixing of rateable value or the capital value, as the case may be, or tax fixed or charged under this Act shall lie to the District Court, when the subject matter of such rateable value, or the capital value or tax fixed or charged under this Act is under consideration of the Municipal Property Tax Board and where any such appeal is already preferred or reference under section 410 is already made, the same shall, upon proceedings being initiated by the Board, stand transferred to, and be dealt with by, the Municipal Property Tax Board.]

IV. Appeals to the Judge and the District Court.

414. Appeal shall lie to the Judge against the orders of the Commissioner in the following cases, namely :—

Appeals to the Judge.

- (1) an order declining to remove a shaft or pipe-under section 175 ;
- (2) an order requiring a building to be set forward-under section 215 ;
- (3) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous-under section 247 ;
- (4) an order directing the demolition of an insanitary building-under section 300 ;
- (5) an order directing the demolition of an obstructive building—under section 303 :

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

415. (1) On an appeal being made against a demolition order made under section 300 or 303, the Judge may make such order either confirming or quashing or varying the order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 300 :

Appeals against demolition orders.

Provided that Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (1) of section 300 was served an undertaking to carry out any work unless the appellant complied with the requirements of sub-section (2) of that section.

(2) An appeal shall lie to the District Court from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value ³[or the capital value, as the case may be,] entered in the Commissioner's assessment book in accordance with the provisions of this Act, or the premises to which the demolition order appealed against wholly or partially relates, ⁴[exceeds such amount as the State Government may, by notification in the *Official Gazette*, specify].

(3) A decision passed by the Judge under this section, if an appeal does not lie therefrom under sub-section (2), or if no appeal is filed, and, if an appeal is filed, the decision of the District Court in appeal, shall be final.

¹ Sub-section (2) was substituted by Mah. 10 of 2010, s. 18 (2).

² Section 413A was inserted by Mah. 14 of 2011, s. 2, Schedule.

³ These words were inserted by Mah. 10 of 2010, s. 19(a).

⁴ These words were substituted for the words "exceed rupees two thousand", *ibid.*, s. 19 (b).

(4) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in section 306, and shall be final and conclusive as to any matters, which could have been raised on such appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge, or the District Court, become operative as from the date of the final determination of the appeal.

(5) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the District Court is given, or in a case where no appeal is brought to the District Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the District Court, on the date when the decision of the Judge is given.

Appeals
against
decision of
the Judge
regarding
payment of
expenses
for works
executed.

416. (1) An appeal shall lie to the District Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds two thousand rupees :

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and, if an appeal is filed, the decision of the District Court in such appeal shall be final.

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined under the said section to be due pending the decision of the District Court and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

Fees in
appeals
before
District
Court.

¹[**416A.** The State Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid for an appeal to the District Court under section 411, 415 or 416 :

Provided that the District Court may, whenever it thinks fit, receive an appeal by or on behalf of a poor person, without payment or on a part payment of the prescribed fees :

Provided further that whenever an appeal made to the District Court is settled by agreement of the parties before the hearing, half the amount of the fees paid up shall be repaid by the District Court to the party by whom the same may have been paid.]

¹ This section was inserted by Bom. 45 of 1954, s. 2.

V. *Proceedings before Judge.*

417. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any rule, regulation or by-law or with any requisition made under this Act or under any such rule, regulation or by-law in respect of such building or land, the owner may apply to the Judge.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(2) The Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, or to vacate the premises temporarily if the said provision or requisition relates to any action under section 264, involving the safety or convenience of such occupier, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid or to vacate the premises temporarily as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

418. (1) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of a Court of Small Causes by or under the Provincial Small Cause Courts Act, 1887, and in all matters relating to any such inquiry or proceeding the Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Power to summon witnesses and compel production of documents.

IX of 1887.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 :

IX of 1887.

Provided that, if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses by or under any provision of this Act, the amount of the costs directed by the Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 442.

Fees in
proceeding
before the
Judge.

419. (1) The ¹[State] Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid:—

(a) on any application, appeal or reference made under this Act to the Judge; and

(b) previous to the issue, in any inquiry or proceeding of the Judge under this Act, of any summons or other process :

Provided that the fees, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees for the time being levied, under the provision of the Provincial Small Cause Courts Act, 1887, in cases in which the value of the claim or subject-matter is of like amount.

IX of
1887.

(2) The ¹[State] Government may, from time to time by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by the Judge, until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid.

Exemption
of poor
persons
from fees.

420. The Judge may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 419.

Repayment
of half fees
on
settlement
before
hearing.

421. Whenever any application, appeal or reference made to the Judge under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Judge to the parties by whom the same have been respectively paid.

VI. *Appointment of Magistrates.*

Appointment
of a Magistrate
of the First
Class.

422. (1) The ¹[State] Government may with the consent of the Corporation create one or more posts of Magistrates of the First Class for the trial of offences against this Act, or against any rule, regulation or by-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as it may think necessary :

Provided that notwithstanding the appointment of one or more Magistrates of the First Class under this section it shall be open to the District Magistrate subject to the rules for the time being in force under section 17 of the *Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of Magistrates of the First Class to make such distribution of the work of trial of such offences and of all other work before the Courts of the Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of
1898.

(2) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the ¹[State] Government.

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

* Now see Code of Criminal Procedure, 1973 (2 of 1974),

(3) The amounts of the salary and other allowances as fixed under sub-section (2), together with all other incidental charges shall be reimbursed to the ¹[State] Government by the Corporation, who shall also pay to the ¹[State] Government such contribution towards the pension, leave and other allowances of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the ¹[State] Government:

Provided that the ¹[State] Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the ¹[State] Government annually, on such date as may be fixed by the ¹[State] Government in this behalf, such fixed sum as may be determined by the ¹[State] Government in this behalf.

VII. *References to Magistrates.*

423. In the following matters references shall be made to a Magistrate of the First Class having jurisdiction within the limits of the City :—

References to Magistrates.

(a) the abatement of overcrowding—under section 307 ;

(b) the detention of a person suffering from a dangerous disease in a public hospital under the rules.

424. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 338 shall be forthwith taken before a Magistrate of the First Class.

Disposal of animals and articles of non-perishable nature seized under section 338.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may, and, if it is diseased, unsound, unwholesome or unfit for human consumption, he shall cause the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human consumption, or for the preparation or manufacture of, or for containing any such article as aforesaid.

425. In every case in which food, on being dealt with under section 424, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human consumption, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, on conviction, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to five hundred rupees.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

XLV of 1860.

426. In all prosecutions under section 425 the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Application for summons to be refused if not applied for within a reasonable time.

¹ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

VIII. *Proceedings before Magistrates and the Sessions Court.*Cognizance
of offences.**427.** (1) ¹[(a)] Offences for the contravention of sections 60, 61 and 325 shall be cognizable].²[(b) Offences under sections 397A shall be cognizable and bailable.]

(2) Notwithstanding anything contained in the *Code of Criminal Procedure, 1898, all offences against the Act, or against any rule, regulation or by-law whether committed within or without the City, shall be cognizable by a Magistrate of the First Class having jurisdiction in the City and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund.

V of
1898.

(3) Notwithstanding anything contained in section 200 of the said Code, it shall not be necessary in respect of any offence against this Act or any rule, regulation or bye-law made thereunder, to examine the complainant when the complaint is presented in writing.

Limitation of
time within
which
complaints of
offences
punishable
under this Act
shall be
entertained.**428.** No Magistrate shall take cognizance of any offence punishable under this Act, or any rule, regulation or bye-law, unless complaint of such offence is made before him,—

(a) within six months next after the date of the commission of such offence ; or

(b) if such date is not known or the offence is a continuing one within six months next after the commission or discovery of such offence.

Power of
Magistrate to
hear cases in
absence of
accused.**429.** If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, regulation or bye-law fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown, for the non-appearance of such person the Magistrate may hear and determine the case in his absence.Report of
Chemical
Analyser to
Government.**430.** Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any inquiry or prosecution under this Act.Complaint
concerning
nuisances.**431.** (1) Any person who resides in the City may complain to a Magistrate of the First Class having jurisdiction therein of the existence of any nuisances or that in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(a) to put in force any of the provisions of this Act or of any rule, regulation or bye-law or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

¹ The existing sub-section (1) was re-numbered as clause (a), by Mah. 2 of 2012, s. 16.² Clause (b) was inserted, *ibid.*, s.16.

* See now Code of Criminal Procedure, 1973 (2 of 1974).

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3) Subject to the provisions of section 432 it shall be incumbent on the Commissioner to obey every such order.

(4) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 to recover damages for the same.

432. (1) An appeal shall lie to the Sessions Court from an order passed by a Magistrate under section 431 within one month of the date thereof.

Appeal to the Sessions Court from order passed under section 431.

(2) The Sessions Court may, when disposing of an appeal under sub-section (1), direct by whom and in what proportions, if any, the costs of the appeal are to be paid, and costs so directed to be paid may, on application to a Magistrate of the First Class having jurisdiction in the City, be recovered by him, in accordance with the direction of the Sessions Court, as if they were a fine imposed by himself.

(3) When an appeal has been preferred to the Sessions Court under this section the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forthwith give effect to the order passed in such appeal by the Sessions Court, or, if the order of the Magistrate has not been disturbed by the Sessions Court, then to his order.

(4) The Sessions Court may, from time to time, make rules for regulating the admission of appeals under sub-section (1) and the procedure to be followed in the adjudication thereof.

IX. *Arrest of offenders.*

433. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or by-law, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

Offenders against this Act may in certain cases be arrested by police officers.

¹[(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the ²[nearest Judicial Magistrate], for a longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the Court of such Magistrate].

X. *Miscellaneous.*

³[**433A.** Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 260, 261, 264, 267 or 478 shall not be questioned in any suit or other legal proceedings.]

Bar of jurisdiction.

434. (1) Save as expressly provided by this Chapter the provisions of the Code of Civil Procedure, 1908 relating to appeals from original decrees, shall apply to appeals to the Judge from the orders of the Commissioner and relating to appeals from appellate decrees shall apply to appeals to the District Court.

Code of Civil Procedure to apply.

¹ Sub-section (2) was substituted for the original by the Adaptation of Laws Order, 1950.

² These words were substituted for the words " nearest Magistrate " by Bom. 8 of 1954, s. 2, Schedule—Part III.

³ Section 433A was inserted by Mah. 2 of 2012, s. 17.

(2) All other matters for which no specific provision has been made under this Act shall be governed by such rules as the ¹[State] Government may from time to time make after consultation with the High Court.

Limitation.

435. (1) In computing the period of limitation prescribed for an appeal or application referred to in this Chapter, the provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall, so far as may be, apply. IX of 1908.

(2) When no time is prescribed by this Act for the presentation of an appeal, application or reference, such appeal or application shall be presented or reference shall be made within thirty days from the date of the order in respect of or against which the appeal, application or reference is presented or made.

Execution of orders of the Judge and District Judge.

436. (1) All orders of the Judge shall be executed in the same manner as if they were decrees of the Court of Small Causes passed under the Provincial Small Causes Court Act, 1887;

IX of 1887.

(2) All orders of the District Judge shall be executed as if they were the decrees of the District Court.

Criminal Procedure Code to apply to all inquiries and proceedings before Magistrates.

437. The provisions of the *Code of Criminal Procedure, 1898, shall, so far as may be, apply to all inquiries and proceedings under this Act before the Magistrate. V of 1898.

CHAPTER XXVII.

RECOVERY OF MUNICIPAL DUES OTHER THAN TAXES.

Recovery of expenses of removals by Commissioner under certain sections.

438. (1) The expenses incurred by the Commissioner in effecting any removal under section 60, section 231 or sub-section (3) of section 239, or, in the event of a written notice issued under sub-section (2) of section 226 or sub-section (3) of section 227 or section 232 or sub-section (3) of section 244 or sub-section (3) of section 245 or section 264 or section 308 not being complied with, under section 479, and all other expenses and charges specified in sub-section (2), if any, shall, subject to the provisions of sub-section (2), be recoverable by the sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(2) If the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time or before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof and all such charges, if any, as the Commissioner may fix for the storage of the materials.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

* See now the Code of Criminal Procedure, 1973 (2 of 1974).

(3) If the materials are not restored to the owner thereof under sub-section (2) they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit:

Provided that, if the materials are perishable, they may be sold or disposed of forthwith, and, if other than perishable, they shall be sold or disposed of as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal and the charges, if any, for storage have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal and the charges for storage, be paid to the credit of the Municipal Fund, and shall be the property of the Corporation.

439. (1) Whenever under this Act, or any rule, regulation or by-law, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 69 in this behalf are payable by any person, the same shall be payable on demand.

Expenses recoverable under the Act to be payable on demand, and if not paid on demand may be recovered as arrear of property tax.

(2) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (4) and sub-section (3) of section 416 by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

(3) If, when the Commissioner demands payment of any expenses under sub-section (1), his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section 247, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Judge.

(4) Pending the Judge's decision the Commissioner shall defer further proceedings for the recovery of the sum claimed by him, and, after decision, shall, subject to the provisions of section 416, proceed to recover only such amount, if any, as shall be thereby determined to be due.

440. If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land or in respect of a private street and the defaulter is the owner of such building or land of the premises fronting or adjoining such street or abutting thereon, as the case may be, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building, land or premises under the said owner ; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the moveable property or the attachment and sale of the immovable property of the said person, as if the amount thereof were a property tax due by him :

If defaulter is owner of premises in respect of which expenses are payable, occupier to be also liable for payment thereof.

Provided as follows, namely :—

(a) unless the said person neglects or refuses at the request of the Commissioner, truly to disclose the amount of the rent payable by him

in respect of the said building or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, upto the time of demand, is payable by him to the owner on account of rent of the said building, land or premises ; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner ;

(b) the said persons shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(c) nothing in this section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner
may agree to
receive
payment of
expenses in
instalments.

441. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon, at such rate not exceeding nine per centum per annum as the Standing Committee may fix from time to time, within a period of not more than five years.

Certain
expenses may
be declared to
be improvement
expenses.

442. (1) Any expenses incurred by the Commissioner under any provision of this Act in respect of any material or fittings supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier of such building or land may, subject to the regulations be declared to be improvement expenses if the Commissioner with the approval of the Corporation, thinks fit so to declare them, and on such declaration being made, such expenses, together with interest thereon payable under sub-section (2), shall be a charge on the premises in respect of which, or for the benefit of which, the expenses have been incurred.

(2) Improvement expenses shall be recoverable in instalments of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at such rate not exceeding six per centum per annum as the Standing Committee may fix from time to time, within such period not exceeding thirty years as the Commissioner with the approval of the Corporation may in each case determine.

(3) The said instalments shall be payable by the occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the sum, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continued to be unoccupied.

443. (1) Where the occupier by whom any improvement expenses are paid holds the premises on which the expenses together with interest thereon are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the rack-rent.

Proportion of improvement expenses may be deducted from rent.

(2) If the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof :

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

444. At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon, the owner or occupier of the premise, on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Redemption of charge for improvement expenses.

445. Any instalment payable under section 441 or 442 which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the movable property or the attachment and sale of the immovable property of the person by whom it is due as if it were a property-tax due by the said person.

Recovery of instalments due under sections 441 and 442.

446. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any rule, regulation or by-law the occupier, if any, of such building or land may, with the approval of Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may without prejudice to any other right of recovery deduct the amount thereof from rent which from the time to time becomes due by him to the owner.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

447. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Persons liable for expenses or compensation may be sued for recovery thereof.

CHAPTER XXVIII.

CONTROL.

Power of
¹[state]
 Government to
 require
 performance of
 duties in default
 of any
 municipal
 authority.

448. (1) If it shall at any time appear to the ¹[State] Government upon complaint or otherwise that default has been made in the performance of any duty imposed on any of the municipal authorities by or under this Act or by or under any enactment for the time being in force, the ¹[State] Government may, if satisfied after due inquiry that the alleged default has been made, make an order prescribing a period for the performance of that duty :

Provided that, except in any case which appears to the ¹[State] Government be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the Corporation, and if the ¹[State] Government shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the ¹[State] Government.

(2) If the duty is not performed within the period prescribed in an order made under sub-section (1) , the ¹[State] Government may appoint some person to perform the same and may direct that the expense of performing such duty, together with such reasonable remuneration to the person performing the same as the ¹[State] Government shall determine and the cost of the proceedings under this section shall be paid out of the Municipal Fund.

Expenses of
 measures
 enforced
 under
 section 448
 how to be
 recovered.

449. (1) When any such order as is mentioned in sub-section (2) of section 448, shall have been made, the Corporation shall cause to be paid to the ¹[State] Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition made by the ¹[State] Government.

(2) If, within fourteen days from the delivery of any such requisition, the same is not complied with, the ¹[State] Government may by a written order authorise and direct some person to receive from the bank in which Municipal Fund is lodged the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorised to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the Corporation in respect of any sum or sums so paid by it out of the Municipal Fund.

Power to
¹[State]
 Government
 to call for
 extracts
 from
 proceedings,
 etc.

450. (1) ¹[State] Government may at any time call upon the Corporation to furnish it with any extract from any proceedings of the Corporation, the Standing Committee, the Transport Committee or any other committee constituted under this Act or from any record under the control of the Corporation and with any statistics concerning or connected with administration of this Act ; and the Corporation shall furnish the same without unreasonable delay.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) The ¹[State] Government may at any time call upon the Commissioner or the Transport Manager to furnish it with any information, report, explanation or statistics concerning or connected with the executive administration of this Act so far as each is concerned, and the Commissioner or the Transport Manager, as the case may be, shall furnish the same without unreasonable delay.

²[450A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implemenation of the policies of the Central Government or the State Government and the National or the State level programmes, projects and schemes. Upon the issue of such instructions or directions it shall be the duty of the Corporation to give effect to such instructions or directions :

Power of State Government to issue instructions or directions.

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same].

³[451. (1) If the State Government is of opinion that the execution of any resolution or order of the Corporation or any other authority or that the doing of any act which is about to be done or is being done by or on behalf of the Corporation of such authority is in contravention of or in excess of the powers conferred by or under this Act or any other law for the time being force, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons, or is likely to lead to abuse or misuse of or to cause waste of municipal funds against the interest of the public ⁴[or is likely to be against the financial interest of the Corporation or against larger public interest] the State Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act, for such period or periods as it may specify therein. A copy of such order shall be sent forthwith by the State Government to the Corporation and to the Commissioner or the Transport Manager.

Power of ¹State Government to suspend or rescind any resolution or order, etc. of Corporation or other authority in certain cases.

(2) On receipt of a copy of the order as aforesaid, the Corporation or Commissioner or Transport Manager may, if it or he thinks fit, make a representation to the State Government against the said order.

(3) The State Government may, after considering any representation received from the Corporation or Commissioner or Transport Manager and where no such representation is received within a period of thirty

¹ This word substituted for the word "Provincial" by the Adaptation of laws order, 1950.

² Section 450A was inserted by Mah. 9 of 2011, s. 5.

³ Section 451 was substituted for the original by Mah. 27 of 1975, s. 6.

⁴ These words were inserted by Mah. 32 of 2011, s. 29.

days, either cancel, modify or confirm the order made by it under sub-section (1) or take such other action in respect of the matter as may in its opinion be just a expedient, having regard to all the circumstance of the case. Where any order made under sub-section (1) is confirmed the State Government may direct that the resolution or order of the Corporation or its authority in respect of which suspension order was made under sub-section (1) shall be deemed to be rescinded.

(4) Where any order is made by the State Government under sub-section (3), it shall be the duty of every Councillor and the Corporation and any other authority or officer concerned to comply with such order.

¹[Power of
State
Government
to dissolve
Corporation.]

452. (1) If at any time upon representation made or otherwise it appears to the ²[State] Government that the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this Act or any other law for the time being in force or exceeds or abuses its powers, the ²[State] Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published, with the reasons therefor, in the *Official Gazette* ³[dissolve the Corporation with effect from the date to be specified in the order].

(2) ⁴[With effect from the date specified in the order passed under sub-section (1) or with effect from the date on which the Corporation stands dissolved under the proviso to article 243-ZF] :—

- | | | | | | | |
|--------------------|---|---|---|---|---|---|
| (a) ⁵ * | * | * | * | * | * | * |
| (b) ⁵ * | * | * | * | * | * | * |

⁶[(c) all powers and duties of the Corporation, the Standing Committee, the Transport Committee and all other committees constituted under the Act, shall, during the period of dissolution be exercised and performed by such Government Officer or Officers as the State Government may, from time to time, appoint in this behalf;]

⁷[(d) on dissolution of the Corporation all the property vested in the Corporation shall vest in the State Government;]

(e) the person or persons appointed under clause (c) may delegate his or their powers and duties to an individual or a committee or sub-committee.

¹ The marginal note was substituted by Mah. 41 of 1994, s. 74(e).

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were substituted for the portion beginning with the words " direct that the Corporation" and ending with the words " superseded under this section. " by Mah. 41 of 1994, s. 74 (a).

⁴ This portion was substituted for the words, brackets and figures " when an order is made under sub-section (1)", *ibid.*, s. 74 (b)(i).

⁵ Clauses (a) and (b) were deleted, *ibid.*, s. 74 (b)(ii).

⁶ Clause (c) was substituted, *ibid.*, s. 74 (b)(iii).

⁷ Clause (d) was substituted, *ibid.*, s. 74 (b)(iv).

¹[(f) The Government Officer or Officers appointed under clause (c) and the individual or the members of the committee or sub-committee referred to in clause (e) shall receive such remuneration from the Municipal Funds as the State Government may from time to time determine.

(3) ² * * * * *

(4) The Corporation shall be ³[re-constituted by election of councillor at general ward elections within the time specified for the purpose in clause (b) of section 6B] :

Provided that the person or persons appointed under clause (d) of sub-section (2) shall continue to exercise the powers and perform the duties of the Corporation, the Standing Committee and, as the case may be, the Transport Committee until the first meeting of the Corporation constituted by the election of councillors as aforesaid shall have been held.

⁴[**452A.** (1) For every Municipal Corporation deemed to have been constituted or constituted for a larger urban area under sub-section (1) or sub-section (2) as the case may be, of section 3, the State Government may appoint a Government officer or officers to exercise all the powers and to perform all the functions and duties of Corporation under this Act:

Power of State Government to appoint Government officer or officers to exercise powers and perform functions and duties of Corporation.

Provided that an Administrator appointed by the State Government before the 31st May 1994 under the provisions of this Act, as it existed immediately before the 31st May 1994, for a Municipal Corporation deemed to have been constituted for a larger urban area under sub-section (1) of section 3 who is in office on the said date, shall be deemed to be the Government officer appointed under this sub-section to exercise all the powers and perform all the functions and duties of the said Corporation under this Act.

(2) The officer or officers appointed under sub-section (1) shall hold office until the first meeting of the Corporation or for a period of six months from the date of specification of an area as a larger urban area, under sub-section (2) of section 3, whichever is earlier :

Provided that the Administrator deemed to have been appointed as the Government officer under sub-section (1) shall hold office until the first meeting of the Corporation.

(3) The officer or officers appointed or deemed to have been appointed under sub-section (1) shall receive from the Municipal Fund such pay and allowances as may be determined, from time to time, by the State Government.]

¹ Clause (f) was added, by Mah. 41 of 1994, s. 74 (b)(v).

² Sub-section (3) was deleted, *ibid.*, s. 74 (c).

³ These words were substituted for the portion beginning with the words "re-established on" and ending with the words "the provisions of this Act", *ibid.*, s. 74 (d).

⁴ Section 452A was substituted by Mah. 4 of 1995, s. 2.

CHAPTER XXIX.

RULES, BY-LAWS, REGULATIONS AND STANDING ORDERS.

Rules in
Schedule to
be part of
the Act.

453. The Rules in ¹[Schedule D] as amended from time to time shall be deemed to be part of this Act.

Alteration of
and additions
to Schedule.

454. The Corporation may add to ²[Schedule D] Rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedule) to provide for any matter dealt with or for any of the purposes specified in the said Schedule; and may, subject to the same limitations, amend, alter or annul any rule in the said Schedule :

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment awarded under such altered or amended rule shall not exceed the maximum provided in section 468.

Power to
make rules
subject to
sanction of
³[State]
Government.

455. (1) The power to make, add to, alter or rescind any rule under section 454 shall be subject to the sanction of the ³[State] Government and to the condition of the rules being made after previous publication.

(2) All rules made under section 454 shall be finally published in the *Official Gazette*, and shall thereupon have effect as if enacted in this Act.

(3) In addition to the publication required under sub-sections (1) and (2), the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of
³[State]
Government
to make
rules.

456. (1) The ³[State] Government may at any time require the Corporation to make rules under section 454 in respect of any purpose or matter specified in section 457.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the ³[State] Government, the ³[State] Government may, after previous publication, make such rules and the rules so made shall, on final publication in the *Official Gazette*, have effect as if enacted in this Act.

Special
power of
State
Government
to make
rules.

⁴**456A.** (1) Notwithstanding anything contained in sections 454 and 456, the State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Act generally to carry out all or any of the purposes of this Act. Such rules may provide for charging of fees for any of the purposes of this Act:

⁵[Provided that, no rules in respect of any matter relating to the preparation of electoral rolls and conduct of elections shall be made without consultation with the State Election Commissioner.]

¹ The word and letter were substituted for the words “ the Schedule” by Mah. 3 of 1996, s.6.

² The word and letter were substituted for the words “the Schedule”, *ibid.*, s.7.

³ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

⁴ Section 456A was inserted by Mah. 41 of 1994, s.76.

⁵ This proviso was added by Mah. 5 of 1995, s.5.

(2) All rules made under this section shall be subject to the condition of previous publication :

¹[Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purposes of conduct of elections, under this Act.]

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

457. In particular, and without prejudice to the generality of the powers conferred by section 454, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :—

Matters in respect of which rules may be made.

(1) *Ward elections* .—

2 * * * * *

³[(b) the maintenance of the Municipal Election Roll and the preparation, publication and sale of copies thereof;]

(c) the nomination of candidates, the form of nomination papers, objections to such nominations, and the taking and return of deposits from and to candidates ;

(d) the date, time and place of ward elections and the management of contested ward elections ;

4 * * * * *

(f) the mode of voting and the form of ballot paper ;

(g) the counting of votes, the declaration of results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward ;

(h) the custody and disposal of papers relating to ward elections ;

(i) any other matter relating to ward elections for which it may be expedient to provide.

(2) *Proceedings of Corporation and Committees and conduct of business*.—

(a) the time and place of meetings of the Corporation, committees and sub-committees;

¹ This proviso was added by Mah. 8 of 2002, s.7.

² Clause (a) was deleted by Mah. 20 of 1980, s. 10.

³ Sub-clause (b) was substituted for the original by Mah. 34 of 1965, s. 9(b).

⁴ sub-clause (e) was deleted, *ibid.*, s. 9(c).

- (b) the manner in which notice of such meetings shall be given ;
 - (c) the quorum necessary for the transaction of business at such meetings ;
 - (d) the management and adjournment of such meetings, and the regulation of orderly conduct of business thereat, including the withdrawal or suspension of members guilty of disorderly conduct;
 - (e) the submission, asking and answering of questions at meetings of the Corporation;
 - (f) the constitution of Special Committees ;
 - (g) the keeping of minutes and the submission of reports of meetings of the Corporation, committees and sub-committees ;
 - (h) the delegation of the powers of the Standing Committee to sub-committees ;
 - (i) the payment of conveyance charges to the Chairman and Members of the Transport Committee for attendance at meetings thereof;
 - (j) any other matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the inspection of minute-books and the supply of copies of minutes to Councillors or other persons on payment of fees or otherwise.
- (3) *Municipal Officers and Servants.*—(a) The qualifications necessary for and the method of appointment to posts the power of appointment to which vests in the Corporation ;
- (b) the mode of appointment to other posts ;
 - (c) the powers and duties of the municipal Chief Auditor and his staff;
 - (d) the determination of the services under the Municipality to be treated as essential services for the purposes of Chapter V.
- (4) *Contracts.*—(a) The manner in which contracts may be executed ;
- (b) the security to be demanded for the due performance of contracts;
 - (c) the calling, examination and acceptance of tenders ;
 - (d) the procedure to be followed in disposing of the property of the Corporation ;
- (5) *Special Funds.*—The constitution, maintenance and disposal of special funds within the Municipal Fund or the Transport Fund.
- (6) *Budget Estimates.*—(a) The classification of budget estimates of expenditure according to budget heads ;
- (b) the manner of making reductions in or transfers from one budget head to another or within a budget head.
- (7) *Municipal Taxes.*—(a) The assessment and recovery of municipal taxes;
- (b) the conditions on which refunds of municipal taxes shall be allowed;
 - (c) in respect of a tax leviable under sub-section (2) of section 127, the matters referred to in sub-section (1) of section 149.
- (8) *Drainage.*—(a) The construction, maintenance, improvement, alteration and discontinuance of drains ;

- (b) the conditions and restrictions to be observed with reference to drains ;
 - (c) the conditions for connections with municipal drains ;
 - (d) the conditions on which occupiers of trade-premises may discharge any trade effluent into municipal drains ;
 - (e) the conditions to be observed in erecting or affixing ventilation shafts or pipes under section 175 ;
 - (f) the manner in which samples of trade-effluent shall be analysed;
 - (g) the construction, position and maintenance of water-closets, privies, urinals, bathing places or washing places.
- (9) *Water Supply*.—The terms and conditions of the supply of water to buildings or other premises.
- (10) *Streets*.—(a) The information and documents to be furnished in connection with the lay-out of lands for buildings and private streets;
- (b) the definition of sky-signs;
 - (c) the naming or numbering of streets and public places and the numbering of ¹[premises].
- (11) *Regulation of buildings*.—(a) The manner in which further information and documents in regard to the erection of, or additions to, alterations in, or repairs of, buildings shall be supplied ;
- (b) the conditions to be observed in commencing, carrying out, and completing building work and in occupying buildings on completion of works ;
 - (c) the restrictions under which alterations may be made in the use of buildings;
 - (d) the inspection of newly constructed buildings ;
 - (e) the conditions on which loans may be granted out of the Municipal Fund for building and the form of application for such loans.
- (12) *Fire Brigade*. —The powers exercisable by the chief or other officer of the municipal fire brigade on the occasion of a fire.
- (13) *Sanitary provisions*.—(a) The furnishing of information regarding the number of occupants in buildings;
- (b) the removal and disposal of filth, rubbish and polluted and excrementitious matter from premises ;
 - (c) the maintenance of premises in a sanitary conditions ;
 - (d) the prevention of nuisances, including the prohibition and regulation of wells ;
 - (e) the removal, trimming and cutting of trees and hedges ;
 - (f) the regulation of the keeping of animals in the City ;
 - (g) the regulation of public bathing and the washing of clothes ;
 - (h) the information to be furnished by persons applying for permission to establish, remove, or re-open a factory, workshop, workplace or bakery governed by section 313 ;

¹ This word was substituted for the word “ buildings ” by Bom. 22 of 1956, s. 8(1).
H 4062—38

(i) the articles which may not be kept and the trades and operations which may not be carried on in or upon any premises without a licence under section 376 ;

(j) the inspection of premises used or suspected of being used as a factory, workshop, workplace or bakery or for any licenseable trade or occupation or for the storage of any licenseable article ;

(k) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours ;

(l) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means ;

(m) measures for the prevention on the spread of dangerous diseases.

(14) *Markets*.—The regulation of sales within or outside municipal or private markets.

(15) *Fares and charges levied by Transport Undertaking*.—The exhibition of notices of fares and charges in vehicles used for the conveyance of passengers.

(16) *Vital Statistics*.—The supply of forms of certificate regarding the cause of death to medical practitioners.

(17) *General*.—Any matter which is or may be prescribed to be provided for by rules.

By-laws for
what purpose
to be made.

458. The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely:—

(1) regulating, in any particular not specifically provided for in this Act or the rules, the construction, maintenance, protecting, flushing, cleansing and control of drains, ventilation-shafts or pipes, cess-pools, water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to the Corporation or other persons, municipal water-works, private communication pipes, private streets and public streets ;

(2) regulating all matters and things connected with the supply and use of water;

(3) regulating the maintenance, supervision and use of public and private cart-stands and the levy of fees for the use of such of them as belong to the Corporation ;

(4) prescribing the forms of notice under sections 253 and 254, the information, documents and plans to be furnished therewith in respect of different classes of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, sections, descriptions, structural drawings or structural calculations shall be drawn, given, prepared and signed ;

(5) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrictions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 254 shall be carried out;

(6) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health, either generally or with reference to the type of the structure and the use to which it is intended to be put ;

(7) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;

(8) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

(9) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon ;

(10) the provision and maintenance of house-gullies and service-passages ;

(11) regulating the conditions on which frame buildings may be constructed ;

(12) regulating the use of land as building sites, prescribing the minimum size of such sites, either generally or for specified areas and prescribing set-backs from the street margin for all or particular classes of buildings on specified streets or classes of streets or in specified localities ;

(13) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used ;

(14) regulating the number and height above the ground or above the next lower story of the storeys of which a building may consist ;

(15) prescribing the form of the completion certificate required under section 263 and the manner in which and the person by whom it shall be signed and subscribed ;

(16) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 265 ;

(17) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation ;

(18) prescribing the qualifications and experience of licensed surveyors, architects, engineers, structural designers, clerks of works and plumbers ;

(19) regulating in any particular not specifically provided for in this Act conservancy and sanitation, the destruction of rodents and other vermin, preventive and remedial measures against mosquitos, flies and other insect pests ;

(20) the control and supervision of all premises used for any of the purposes mentioned in section 376 and of all trades and manufactures carried on thereon and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises ;

(21) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of cattle-sheds and dairies ;

(22) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by dairymen or milk-sellers for containing milk ;

(23) regulating the sale of milk in the City ; the protection of milk against contamination and the prevention of the sale of contaminated milk ;

(24) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(25) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measure ;

(26) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold ;

(27) the control and supervision of butchers carrying on business within the City or at a municipal slaughter-house without the City ;

(28) regulating the use of any municipal market building, market place or slaughter-houses, or any part thereof ;

(29) controlling and regulating the sanitary condition of markets and slaughter houses and preventing the exercise of cruelty therein ;

Bom VII
of 1920. (30) the licensing of hand-carts, other than those exempted from taxation under section 143 or those plying for hire in respect of which licences have been issued under the *Bombay Public Conveyances Act, 1920, and the seizure and detention of any such hand-carts that have not been duly licensed ;

(31) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, which may be specified and prescribing the precautions to be taken by persons suffering from, or exposed to infection from, any such disease ;

(32) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(33) regulating the use of any place for the skinning and cutting up of the carcasses of animals ;

(34) facilitating and securing complete and accurate registration of births and deaths ;

(35) the registration of marriages ;

(36) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them ;

* Now, the short title was amended as "the Maharashtra Public Conveyances Act" (VII of 1920) by Mah. 24 of 1960, s. 2 and 3, Schedule, entry 14, with effect from the 1st May 1960.

(37) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent ;

(38) regulating trade in rags, bones or second-hand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article ;

(39) regulating the holding of fairs and industrial exhibitions in the City ;

(40) regulating and prohibiting the stocking of inflammable materials and of the lighting of fires in any specified portion of the City ;

(41) regulating the charges for services rendered by any municipal authority ;

(42) regulating admission to, and use by members of the public of, municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein ;

(43) the protection of the property of the Corporation ;

(44) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed ;

(45) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts ;

(46) regulating the appointment by owners of buildings or lands in the City who are not resident therein of agents residing in or near the City to act for such owners for all or any of the purposes of this Act or the rules, regulations or by-laws ;

(47) regulating generally matters affecting the conduct of the Transport Undertaking and the travelling in or upon vehicles of the Undertaking used for the conveyance of passengers, subject to the provisions of any other enactment applicable to the Undertaking and the provisions of any rules, by-laws, regulations, permit or licence issued thereunder, and, in particular, the observance by municipal officers and servants appointed in connection with the Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets ;

(48) carrying out generally the provisions and intentions of this Act.

459. It shall be the duty of the Commissioner from time to time to lay before the Corporation for its consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Commissioner to lay draft by-laws before the Corporation for its consideration.

460. No by-law shall be made by the Corporations, unless—

(a) a notice of the intention of the Corporation to take such by-law into consideration shall have been given in the *Official Gazette* and in the local newspapers at least six weeks before the date on which the Corporation finally considers such by-law ;

Hearing by Corporation of objections to proposed by-laws.

(b) a printed copy of such by-law shall have been kept at the chief municipal office and made available for public inspection free of charge by any persons desiring to peruse the same at any reasonable time for at least one month from the date of the notice given under clause (a) ;

(c) printed copies of such by-law shall have been delivered to any person requiring the same on payment of such fee for each copy as shall be fixed by the Commissioner ;

(d) all objections and suggestions which may be made in writing by any person with respect thereto within one month of the date of the notice given under clause (a) shall have been considered by the Corporation.

By-laws to be confirmed by ¹[State] Government.

461. No by-law made under section 458 shall have any validity unless and until it is confirmed by the ¹[State] Government.

By-laws confirmed by ¹[State] Government to be published in the *Official Gazette*.

462. When any by-law has been confirmed by the ¹[State] Government it shall be published in the *Official Gazette*, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

463. (1) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of such fee for each copy as he may fix.

(2) Printed copies of the by-laws for the time being in force shall be kept for public inspection in some part of the municipal office to which the general public has access and in such places of public resorts, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said copies shall from time to time be renewed by the Commissioner.

(3) In regard to by-laws relating exclusively to the operations of the Transport Undertaking the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted and as if sub-section (2) had provided for the display of the relevant by-laws in every vehicle of the Transport Undertaking used for the conveyance of the public.

¹[State] Government may modify or repeal by-laws.

464. (1) If it shall at any time appear to the ¹[State] Government that any by-law should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the Corporation and prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.

(2) After receipt and consideration of any such representation or, if in the mean time no such representation is received, after the expiry of the prescribed period, the ¹[State] Government may at any time by notification in the *Official Gazette*, modify or repeal such by-law either wholly or in part.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(3) The modification or repeal of a by-law under sub-section (2) shall take effect from such date as the ¹[State] Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Official Gazette*, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in the local newspapers.

465. (1) The Standing Committee shall from time to time frame Regulations. regulations not inconsistent with this Act and the rules but in consonance with any resolution that may be passed by the Corporation—

(a) prescribing the qualifications required for appointments to posts in municipal service other than those specified in sub-clause (a) of clause (3) of section 457 ;

(b) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(c) regulating the grant of leave to municipal officers and servants ;

(d) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(e) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

(f) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;

(g) regulating the period of service of all the said officers and servants ;

(h) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the surviving spouse or children and, in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(i) prescribing the procedure to be followed in removing from service or dismissing or otherwise punishing any municipal officer or servant other than an officer who is appointed under section 40 or 45 or who is appointed to act in the place of such officer ;

(j) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the Standing Committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the Corporation for the benefit of the said officers and servants ;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(k) prescribing the conditions under which and, subject to the provisions of sub-section (2) of section 50, the authorities by whom the said officers and servants or any of them, may be permitted while on duty or during leave to perform a specified service or series of services for a private person or body or for a public body, including a local authority, or for the Government and to receive remuneration therefor ;

(l) in general, prescribing any other conditions of service of the said officers and servants.

(2) The Standing Committee may also from time to time frame regulations not inconsistent with the provisions of this Act and the rules—

(a) determining the standards of fitness of buildings for human habitation ;

(b) regulating the declaration of expenses incurred by the Commissioner under the provision of this Act and the rules in respect of any materials or fittings, supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier to be improvement expenses ;

(c) prescribing the powers of the Municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to, expenditure from the revenues of the Corporation ;

(d) regulating the grant of permission by the Commissioner for the construction of shops, ware-houses, factories, huts or buildings designed for particular uses in any streets, portions of streets or localities specified in a declaration in force under section 269.

(3) (a) No regulation under sub-section (1) or under clause (a) of sub-section (2) shall have effect until it has been confirmed by the Corporation and, if made under clause (h) of sub-section (1), until it has in addition been confirmed by the ¹[State] Government ;

(b) regulations under ²[clause (c) of sub-section (2)] shall be made in consultation with the Chief Auditor and shall not have effect unless sanctioned by the Corporation.

(4) With reference to officers and servants appointed under Chapter XX and to expenditure from the Transport Fund the provisions of sub-section (1) and of clause (c) of sub-section (2) shall apply as if for the words “ Standing Committee” the words “ Transport Committee” had been substituted.

Making of
standing
orders by
Commissioner.

466. (1) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and by-laws in respect of the following matters, namely :—

(A) (a) prescribing nakas for the collection of octroi and tolls ;

¹ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

² These words, brackets, letter and figure were substituted for the words, brackets, letter and figure “clause (6) of sub-section (2)” by Bom. 39 of 1951, s. 3, Second Schedule.

(b) regulating the mode and manner in which octroi and tolls shall be collected ;

(c) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported ;

(d) regulating the stamping, sealing or otherwise marking of imported goods ;

(e) prescribing the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi ;

(f) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of City and the fees payable by persons so conveying the goods ;

(g) any other matter relating to the collection of octroi which is not provided for in this Act ;

(B) the manner in which sales of immovable property attached for the non-payment of municipal dues shall be held ;

(C) (a) the training, discipline and good conduct of the men belonging to the municipal fire-brigade and any volunteer fire-brigade recognised by the Corporation ;

(b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire ;

(c) the maintenance of the said brigade generally in a due state of efficiency;

(d) determining the officers to whom and the places at which intimation of the outbreak of a fire shall be reported and the action to be taken on the receipt of such intimation ;

(e) for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered meritorious service to the fire-brigade on the occasion of a fire ;

(D) (a) for preventing nuisance or obstruction in any market-building, market-place, slaughter-house or stock-yard or in the approaches thereto ;

(b) fixing the days and the hours on and during which any market, slaughter house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours ;

(c) prohibiting every vendor in a market from closing his shop, stall or standing to the public without lawful excuse or from withholding from sale any articles in which he normally deals ;

(d) for keeping every market-building, market-place, slaughter-house or stock-yard in a cleanly and proper state, and for removing filth and refuse therefrom ;

(e) requiring that any market-building, market-place, slaughter-house or stock-yard be properly ventilated and be provided with a sufficient supply of water ;

(f) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public ;

(g) for the marking or branding for purpose of identification of animals rejected for slaughter as discarded or unwholesome ;

(h) regulating the method of slaughter at slaughter-houses ;

(i) requiring the allotment in markets of separate areas for different classes of articles;

(j) generally regulating the orderly management and control of markets, slaughter-houses and stock-yards.

(2) No order made by the Commissioner under clause (A) of sub-section (1) shall be valid unless it is approved by the Standing Committee and confirmed by the ¹[State] Government, and no order made by the Commissioner under clause (B) or paragraph (e) of clause (C) of sub-section (1) shall be valid unless it is approved by the Standing Committee.

Costing of
standing
orders and
table of
stallage,
rents, etc.

467. A printed copy of the standing orders shall be affixed in conspicuous place in the municipal office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock -yard under sections 332 and 333 shall be affixed in some conspicuous spot in market-building, market-place, slaughter-house or stock-yard.

Penalty for
breach of
rules, by-
laws,
regulations
or standing
orders.

468. In making rules under section 454 or by-laws, regulations or standing orders, the ¹[State] Government, the Corporation, the Standing Committee, or the Commissioner, as the case may be, may provide that for any breach thereof the offender shall on conviction —

(a) be punished with fine which may extend to five hundred rupees, and in the case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues, after conviction for the first breach ;

(b) be punished with fine which may extend to twenty rupees for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach ;

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

¹ This word was substituted for the word “ Provincial” by the Adaptation of Laws Order, 1950.

CHAPTER XXX.

MISCELLANEOUS.

Public Notices and Advertisements.

469. Whenever it is provided by or under this Act that public notice shall or may be given of anything, such public notice shall, in the absence of special provision to the contrary, be in writing under the signature of the Commissioner or of a municipal officer empowered under section 69 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that the Commissioner shall think fit.

Public notices
how to be
made known.

470. Whenever it is provided by or under this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two newspapers in such language or languages as the Corporation may from time to time specify in this behalf published or circulating in the City.

Advertisements
how to be
made.

471. (1) Whenever under this Act or any rule, by-law, regulation or standing order, the doing or the omitting to do anything or the validity of anything depends upon the consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction of—

Consent, etc. of
Corporation,
etc. may be
proved by
written
document.

(a) the Corporation, the Standing Committee, the Transport Committee or any other Committee ;

(b) the Commissioner or the Transport Manager or any municipal officer, a written document signed as provided in sub-section (2) purporting to convey or set forth such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction shall be sufficient evidence of such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction.

(2) The written document referred to in sub-section (1) shall be signed—

(a) when the authority concerned is the Corporation or the Standing Committee or any Committee other than the Transport Committee, by the Municipal Secretary on behalf of such authority ;

(b) when the authority concerned is the Transport Committee, by the Chairman of that Committee;

(c) when the authority concerned is the Commissioner, the Transport Manager or any municipal officer, the Commissioner, the Transport Manager or such municipal officer, as the case may be.

Service of Notices, etc.

472. Notices, bills, schedules, summonses and other such documents required by this Act or by any rule, regulation or by-law to be served upon or issued or presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Notices, etc.
by whom to
be served or
presented.

Service how
to be
effected on
owners of
premises
and other
persons.

473. When any notice, bill, schedule, summons or other such documents required by this Act, or by any rule, regulation or by-law to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 474, be effected :—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other documents ; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family, or by leaving the same at his usual place of business, if any, or by giving or tendering the same to some adult employee, if any, of his at such place ; or

(c) if such person does not reside in the City and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address; or

(d) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Services on
owner or
occupier of
premises
how to be
effected.

474. When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or by-law, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely :—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any of the owners or occupiers ; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

Sections 472,
473 and 474
inapplicable
to magistrate's
summons.

475. Nothing in sections 472, 473 and 474 applies to any summons issued under this Act by a Magistrate.

Signature on
notices, etc.,
may be
stamped.

476. (1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any rule, regulation or by-law to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the Municipal Fund or upon the Transport Fund under any of the provisions of this Act, or to any deed of contract.

477. (1) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

Power of Commissioner to call for information as to ownership of premises.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same and to give true information to the best of his knowledge and belief.

Unauthorised works.

478. (1) If any work or thing requiring the written permission of the ¹[Designated Officer] under any provision of this Act, or any rule, regulation or by-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the ¹[Designated Officer], such work or thing shall be deemed to be unauthorised and, subject to any other provision of this Act, the ¹[Designated Officer] may at any time, by written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or doing. If the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the ¹[Designated Officer].

Work of thing done without written permission of the ¹[Designated Officer] to be deemed unauthorised.

(2) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the ¹[Designated Officer] may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner, as the case may be.

Enforcement of order to execute works, etc.

479. (1) Subject to the provisions of this Act and of the rules, by-laws, regulations and standing orders, when any requisition or order is made under any provision of this Act or of any rule, by-law, regulation or standing order by written notice by the Commissioner, or by any municipal officer duly empowered in this behalf, a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made ; and, unless it is in this Act otherwise expressly provided, the expenses therefore shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

Works, etc. which any person is required to execute may in certain cases be executed by Commissioner at such person's cost.

(2) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

¹ These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s.18.

Supply of materials.

480. On the written request of any person who is required under any of the provisions of this Act or of any rule, regulation or by-law to supply any materials or fittings, the Commissioner may, on such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done :

Provided that, where the provisions of section 441 or 442 will not apply, a deposit shall first of all be made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

Legal Proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

481. (1) The Commissioner may—

(a) take, or withdraw from proceedings against any person who is charged with—

(i) any offence against this Act or any rule, regulation or by-law ;

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act ;

(iii) Committing any nuisance whatever ;

(b) compound any offence against this Act or any rule, regulation or by-law which under the law for the time being in force may legally be compounded ;

(c) defend any election petition brought under section 16 ;

(d) defend, admit or compromise any appeal against a rateable value¹ [or capital value, as the case may be,] or tax brought under section 406 ;

(e) take, withdraw, from or compromise, proceedings under sub-section (2) of section 402, sub-sections (3) and (4) of section 439 and sections 391 and 416 for the recovery of expenses or compensation claimed to be due to the Corporation ;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee, any such claim for any sum exceeding five hundred rupees ;

(g) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(h) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

¹ These words were inserted by Mah. 10 of 2010, s.20.

(i) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Corporation or of the Commissioner ;

(j) obtain and pay for such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses of this sub-section or for securing the exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant:

Provided that the Commissioner shall not defend any suit or legal proceeding under clause (g) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

(2) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking the provisions of sub-section (1) shall apply as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had respectively been substituted.

General.

482. (1) The Commissioner and the Transport Manager and every councillor and every member of the Transport Committee who is not a councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of :
 XLV of 1860. section 21 of the Indian Penal Code.

Councillors, etc., to be deemed to be public servants.

(2) For the purposes of sub-section (1) the word "government" in the definition of "legal remuneration" in section 161 of the Indian Penal Code
 XLV of 1860. shall be deemed to include the Corporation.

483. (1) The District Magistrate and the District Superintendent of Police having jurisdiction in the City shall, as far as may be, co-operate by themselves and through their subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the City.

Co-operation of Police, etc.

(2) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule, regulation or by-law and to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

Assistance
for the
recovery of
rent on land.

484. For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, *1879; and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder.

Bom. V
of 1879.

Informalities
and error in
assessments,
etc., not to be
deemed to
invalidate
such
assessment,
etc.

485. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or attachment made or in any notice, bill, schedule, summons or other documents issued under this Act, or under any rule, regulation, by-law or standing order may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, attachment, notice, bill, schedule, summons or other documents invalid or illegal if the provisions of this Act and of the rules, regulations, by-laws and standing orders have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Indemnity
for acts done
in good faith.

486. No suit, prosecution or other legal proceeding shall lie in respect of anything in good faith done or purported or intended to be done under this Act against any councillor or against any member of the Transport Committee who is not a councillor or against the Commissioner, the Transport Manager or any municipal officer or servant or against any person acting under and in accordance with the directions of the Corporation, any committee constituted under this Act, the Commissioner, the Transport Manager, any municipal officer or servant or of a Magistrate.

Protection of
persons
acting under
this Act,
against suits.

487. (1) No suit shall be instituted against the Corporation or against the Commissioner, or the Transport Manager, or against any municipal officer or servant, in respect of any act done or purported to be done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act: —

(a) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of the Transport Manager or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney, advocate, pleader or agent, if any, for the purpose of such suit, nor

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

* Now see the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

(a) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(3) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in, or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee or the Transport Committee from the Municipal fund or the Transport Fund, as the case may be.

488. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879*—

Saving in respect of certain provisions of Bombay Land Revenue Code, 1879*.

(1) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(2) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and by laws to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

489. (1) No person who receives the rent of any premises in any capacity described in paragraph (i), (ii) or (iii) of sub-clause (a) of clause (45) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he have or, but for his own improper act or default, might have had sufficient funds of or due to the owner to pay for the same.

Limitation of liability of agent or trustee of owner.

(2) The burden of proving the facts entitling any person to relief under sub-section (1) shall rest on such person.

(3) When any person has secured relief under sub-section (1) the Commissioner may, by written notice, require such person to apply to the discharge of any obligation which he would, but for such relief, be bound to discharge, the first moneys which shall come to his hand on behalf of or for the use of the owner, and any person who fails to comply with such notice shall be deemed to be personally liable to discharge such obligation.

(4) Nothing in this section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses from the actual owner.

* See now Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

CHAPTER XXXI.

REPEALS AND AMENDMENTS.

- Certain Acts to cease to apply to City. **490.** The Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925 and the Bombay Village Panchayats Act, 1933, shall cease to apply, except as hereinafter provided, to any area included in the City. Bom. II of 1901. Bom. XVIII of 1925. Bom. VI of 1933.
- Amendment of certain enactments. Repeal. **491.** The enactments specified in the second column of Appendix III shall be amended to the extent specified in the third column thereof.
- 492.** The Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, is hereby repealed. Bom. LXXX of 1948.
- Transitory provisions. **493.** The provisions of Appendix IV shall apply to the constitution of the Corporation and other matters specified therein.

APPENDIX I

(See Section 282.)

PROVISIONS OF THE LAND ACQUISITION ACT, 1894, REGULATING
THE ACQUISITION OF LAND FOR IMPROVEMENT PURPOSES.*Part I*—Preliminary, except clauses (e) and (f) of section 3.*Part II*—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.*Part III*—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.*Part IV*—Apportionment of compensation.*Part V*—Payment.*Part VI*—Temporary occupation of land.*Part VII*—Miscellaneous.

APPENDIX II

(See Section 392.)

TABLE OF PENALTIES.

Part I.

Sections, Sub-sections and Clauses.	Fine which may be imposed.
309 (2), 311(e), 311(f), 311(g)	. . . . Ten rupees.
197(2), 295, 334(2), 373(1), 374, 375, 376(6)	. . . . Twenty rupees.
172, 196(2) proviso, 208, 227(3), 228, 233(1), 236(2), 238(2), 240, 246, 297, 330(1), 333, 377(1), 381, 384, 385, 386(5).	. . . . Fifty rupees.

60,108(2), 145(2), 163,164,165, 168(1)(b), 169(b),174,184,186,187(1), 187(2), 199, 200,212(2), 223,227(3), 229(1), 230(1), 232, 239(1), 241(1), 243(1), 244(1), 244(3), 248(1), 251, 265(4), 266,298(5), 308,318,319,326, 335(1), 366,367,368,369,379,380,382.	. . . . One hundred rupees.
161,178(1), 179,195(1), 198,226(1), 226(2), 226(4), 242,247(1), 265(2), 265(3), 267(1), 268(4), 299(1),307(1), 307(2), 378(1), 383,417(3).	. . . . Two hundred rupees.
160(2), 171(1), 221(1), 257,261(1),263, 264 (1), 264(2), 298(2), 301(1), 304(3), 322,325(1),376(1).	. . . . Five hundred rupees.
210(4), 262,269(7), 313, 314,331(2).	. . . . One thousand rupees.

Part II.

Sections, Sub-sections and Clauses.	Daily fine which may be imposed.
227(3), 228,297,308,375,376(6), 379,381.	. . . . Five rupees.
161,163,164,165,168(1) (b), 169(b), 172, 174,184,186,187(1), 187(2), 195(1), 200, 223,226(2),226(4), 229(1), 230(1), 232, 241 (1), 244(1), 244(3), 247(1), 248(1), 265(4), 298(5), 330(1), 382,384,385,386(5).	. . . . Ten rupees.
60,198,243(1), 246,265(2), 265(3), 267(1), 268(4), 307(1), 307(2), 383.	. . . . Twenty rupees.
160(2), 171(1),212(2), 239(1), 240,266, 298(2), 299(1), 301(1), 376(1), 378(1), 417(3)	. . . . Fifty rupees.
210(4), 257,263,264(1), 264(2), 269(7)	. . . . One hundred rupees.
313,314.	. . . . Five hundred rupees.

APPENDIX III.

(See Section 491).

ENACTMENTS AMENDED.

Number and Year.	Short Title.	Amendments.
Bom. I of 1915	The Bombay Town Planning Act, 1915.	In sub-section (1) of section 4, sub-section (2) of section 10, sub-section (1) of section 26, sub-section (3) of section 44 and sub-section (3) of section 45, for the words “ the City of Bombay” the words “any area for which a municipal corporation is constituted under any enactment” shall be substituted.

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
Bom. V of 1925	The Bombay Prevention of Adulteration Act, 1925.	<ol style="list-style-type: none"> 1. In clause (c) of section 2, for the words “ the City of Bombay ” the words “ any area for which a municipal corporation is constituted under any enactment ” shall be substituted. 2. In sub-section (1) of section 19, for the words “ the City of Bombay after consultation with the Corporation of the City of Bombay ” the words “ any area for which a municipal corporation is constituted under any enactment after consultation with such corporation ” shall be substituted.
Bom. XXXII of 1947.	The Lord Reay Maharashtra Industrial Museum Act, 1947.	<ol style="list-style-type: none"> 1. In sub-section (2) of section 6— (1) for paragraph B the following revised paragraph shall be substituted, namely:— “B. The following four ex-officio representatives of the Municipal Corporation of the City of Poona:— (i) the Mayor, who shall be the Chairman, (ii) the Chairman, Standing Committee, (iii) the Chairman, Municipal School Board, (iv) the Municipal Commissioner for the City of Poona”; (2) in paragraph C for the words “Poona City Borough Municipality” the words “ Municipal Corporation of the City of Poona ” shall be substituted. 2. In section 17 for the words “Bombay Municipal Boroughs Act, 1925, the Poona City Borough Municipality” the words “Bombay Provincial Municipal Corporations Act, 1949, the Municipal Corporation of the City of Poona” shall be substituted.

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
		3. In ¹ [clause (b)] of sub-section(2) of section 21, for the words “Poona City Borough Municipality” the words “Municipal Corporation of the City of Poona” shall be substituted.
Bom. LVII of 1947.	The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.	In section 10A the following shall be added, namely :— “(4) If the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, in respect of any premises in any city exceeds the amount paid by any landlord to any local authority on account of a rate or tax on building, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section.”
² [Bom. XX of 1948]	The Poona University Act, 1948.	In sub-section (1) of section 16, in clause (iv) of paragraph (A) in Class II— (1)for sub-clause (a) the following shall be substituted, namely:— “(a) two members by the Municipal Corporation of the City of Poona”; (2)sub-clause (b) shall be deleted.
Bom. LXIX of 1948.	The Bombay Housing Board Act, 1948.	In section 25— (1)in sub-section (1) for the words and figures “ Chapter XII-A of the City of Bombay Municipal Act, 1888”, the words “any enactment for the time
¹ These word, brackets and letter were substituted for the word, brackets and letter “ clause (d) ” by Bom. 9 of 1951, s. 3, Second Schedule.		
² These words and figures were substituted for the words and figures “ Bom. IX of 1984 ” by Bom. 9 of 1951, s.3, Second Schedule.		

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
		being in force for the constitution of a municipal corporation for any area in the ¹ [State] ² [of Maharashtra]" shall be substituted,
		(2)in sub-section (2) for the words and figures "the City of Bombay Municipal Act, 1888" the words "any such enactment as aforesaid" shall be substituted.
Bom. LXXIX of 1948.	The Bombay Shops and Establishments Act, 1948.	In clause (15) of section 2, for the words and figures " municipality constituted under the City of Bombay Municipal Act, 1888" the words "a municipal corporation constituted under any enactment for the time being in force or a municipality constituted under" shall be substituted.

APPENDIX IV.

TRANSITORY PROVISIONS.

(See Section 493.)

Part I: General.

Continuation of references in other enactments.

³[1. References in any enactment, other than the Maharashtra Municipalities Act, 1965, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the *Bombay Village Panchayats Act, 1958 or the Bombay Local Fund Audit Act, 1930, in force on the date immediatly preceding the appointed day in a City or in any rule, order or notification made or issued thereunder and in force on such date in the said City, to any municipalities or other local authorities by whatever name called, shall, unless a different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, and such enactment, rule, order or notification shall apply to the said City or Corporation.]

Mah. XL of 1965.

Mah. V of 1962.
Bom. III of 1959.
Bom. XXV of 1930.

Transfer of rights.

2. All rights of the municipality or any other local authority for the area which has been constituted to be a City shall on the appointed day vest in the Corporation constituted for the said area.

¹ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

² These words were substituted for the original by Maharashtra Adaptation of Laws (State and Concurrent Subject) Order, 1960.

³ This paragraph was substituted for the original by Mah. 29. of 1982, s. 8(1).

* The short title of the Act was amended as "the Maharashtra Village Panchayats Act" by Mah. 24 of 2012, S.2 and 3, Schedule, entry 74, with effect from the 1st May 1960.

3. All sums due to the said municipality or local authority for the area which has been constituted a City, whether on account of any tax or any other account, shall be recoverable by the Commissioner for the said City and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the authority of the said municipality or local authority to take or institute, if this Act had not come into operation and the said area had not been constituted to be a City.

Sums due.

4. (1) All debts and obligations incurred and all contracts made by or on behalf of the said municipality or local authority immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner for the said City in exercise of the powers conferred on him by this Act and shall continue in operation accordingly.

Debts, obligations, contracts and pending proceedings.

(2) All proceedings pending before any authority of the said municipality or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipality or local authority on the said date shall, so far as may be practicable, be disposed of as if the area was constituted to be a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipality or local authority and all suits and other legal proceedings instituted by or against the said municipality, local authority or any officer of the said municipality or local authority pending on the said date shall be continued by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City when such prosecution, suit or proceeding was instituted.

5. Save as expressly provided by the provisions of this Appendix or by a notification issued under paragraph 22 or order made under paragraph 23,—

Continuation of appointments, taxes, budget estimates, assessments, etc.

Mah. XL of 1965. (a) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, imposed or granted under ¹[the Maharashtra Municipalities Act, 1965] or any other law in force in any local area constituted to be a City immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be ;

Mah. XL of 1965. (b) all budget estimates, assessments, valuations, measurements, and divisions made under ¹[the Maharashtra Municipalities Act, 1965], or any other law in force in any area constituted to be a City

¹ These words and figures were substituted for the words and figures " the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925 " by Mah. 29 of 1982, s. 8(ii).

immediately before the appointed day shall in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act;

(c) all officers and servants in the employ of the said municipality or local authority immediately before the appointed day shall be officers and servants employed by the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date :

Provided that service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation :

Provided further that it shall be competent to the Corporation to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued, shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalidated out of service if this Act had not been passed.

Extension
of
appointments,
taxes, etc.,
in force in
one
Municipal
area to
other areas
included in
a City.

¹[5A. Notwithstanding anything contained in this Act, where the State Government has constituted any local area to be a City under section 3, which was previously comprised, wholly or partly, in the area of two or more Municipal Councils constituted under the Maharashtra Municipalities Act, 1965 or in the area of one or more of such Municipal Councils and one or more *Zilla Parishads* constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the State Government may, notwithstanding anything contained in any other law for the time being in force, but save as otherwise provided in section 129A or any other provisions of this Act, by notification in the *Official Gazette*, direct that all or any of the appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted in any area of a specified municipal council included in the City, under the Maharashtra Municipalities Act, 1965, or any other law and in force in that area immediately before the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force throughout the area of the City, until they are superseded or modified under this Act or under any other law as aforesaid, as the case may be.]

Mah.
XL of
1965.

Mah.
V of
1962.

Mah.
XL of
1965.

Provision for
Municipality
or local
authority
which is
superseded
or dissolved.

6. Any reference in the above paragraphs to a municipality or a local authority shall, in case such municipality or local authority has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipality or local authority under any law relating to such municipality or local authority.

¹ This paragraph was inserted by Mah. 29 of 1982, s. 8. (iii)

¹[6A. (1) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, setbacks of buildings and other matter relating to buildings in the area constituted or included in a City or any part thereof.

Special conditions for erection and re-erection of buildings, etc. in certain areas.

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.

2 * * * *

Part III: Special Provisions relating to the City of Poona.

Bom.
LXXX
of
1948.

14. (1) On and from the appointed day in the case of the City of Poona the Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs appointed under section 3 of the Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, and holding office on the date immediately preceding the appointed day shall be deemed to be the Commissioner appointed under section 36 and shall, subject to the provisions of sub-section (3) of the said section, hold office for the period for which he would have held the office of Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs if this Act had not come into operation in the City of Poona.

Provision regarding the Commissioner.

(2) The Commissioner shall receive the same scales of salary and allowances as he was receiving as Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs on the date immediately preceding the appointed day.

15. Notwithstanding anything contained in this Act, the Commissioner exercise the powers and perform the duties of the Corporation and the Standing Committee under this Act and under any other law for the time being in force until general ward elections shall have been held in accordance with the provisions of this Act and the first meeting of the Corporation shall have been held.

The Commissioner to exercise powers and perform duties of Corporation and Standing Committee.

16. (1) The ³[State] Government may, by notification in the *Official Gazette*, appoint such number of persons, not exceeding twelve, as it deems fit to advise the Commissioner so long and in so far as he exercises the powers and performs the duties of the Corporation and the Standing Committee.

¹[State] Government may appoint advisory board.

(2) The Commissioner shall from time to time in such manner as he considers suitable, including the convening of meetings of the persons so appointed, ascertain the views of the persons so appointed on all matters which, under the provisions of this Act, require to be done, sanctioned, approved or confirmed by the Corporation or the Standing Committee.

¹ This paragraph was inserted by Bom. 42 of 1950, s. 2.

² Part II Special Provisions relating to the City of Ahmedabad and paragraphs 7 to 13 thereunder were deleted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(3) If the ¹[State] Government so directs, the Commissioner shall refer for the decision of the ¹[State] Government any such matter in which he proposes to act otherwise than in accordance with the views of the majority of the persons so appointed, and shall thereafter act in accordance with such decision.

Commissioner
to take steps
to hold
elections, etc.

17. (1) The Commissioner shall forthwith proceed to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act.

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation, would have been disqualified for being elected a councillor of the Poona City Borough Municipality or the Poona Suburban Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who owns immovable property in the City which on the date immediately preceding the appointed day was assessed to a house tax or any tax in the form of a rate on lands and buildings levied by any local authority having jurisdiction in any portion of the City shall be deemed to have the requisite taxation qualification under sub-section (3) of section 8 for the purpose of enrolment in the first municipal election roll.

Savings in
respect of
Bombay
Local Fund
Audit Act,
1930.

18. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Poona City Borough Municipality and the Poona Suburban Borough Municipality for the period upto the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation:

Bom.
XXV
of
1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner.

Bom.
XXV
of
1930.

Saving in respect
of members of
Court of Poona
University
representing
Poona City and
Poona Suburban
Borough
Municipalities.

19. The members of the Court of the Poona University elected by the Poona City Borough Municipality and the Poona Suburban Borough Municipality under section 16 of the Poona University Act, 1948, shall be deemed to have been elected by the Corporation and shall continue to hold office for the term for which they were originally elected.

Bom.
XX of
1948.

Temporary
provision
regarding
representatives
of Corporation
on Board of
Trustees of
Lord Reay
Maharashtra
Industrial
Museum.

20. Notwithstanding the provisions of sub-section (2) of section 6 of the Lord Reay Maharashtra Industrial Museum Act, 1947, the representatives of the Corporation on the Board of Trustees of the Lord Reay Maharashtra Industrial Museum shall, until the Mayor and the Chairman of the Standing Committee have been elected and have taken office, consist of the Chairman of the Poona Municipal School Board and the Commissioner.

Bom.
XXXII
of
1947.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

21. The Poona City Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new school board is constituted by the nomination and election of members under sub-sections (2) and (5) of section 4 of the *Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

Bom.
LXI of
1947.

Poona City
Municipal
School Board
to be deemed
to be the
Municipal
School Board
for the City.

¹[**21A.** Notwithstanding anything contained in this Act, in the areas specified in List I hereto appended, a general tax shall be levied on the classes of buildings and lands specified in column 1 of List II hereto appended, during the periods specified in the headings to columns 2 to 5 at the rates specified in the said columns against each class; and such rates shall not during such periods be liable to increase under section 150. Where no such rate has been specified in the said columns, the general tax shall be levied at the rate and in the manner provided under this Act:

Temporary
provision
regarding
levy of
general tax
in certain
areas
included in
the City of
Poona.

Provided that all lands and buildings, situated in the areas specified in the said List I, the annual rateable value of which does not exceed rupees fifty shall be exempted from the levy of the general tax during the period from the 1st April 1954 to the 31st March 1956 (both inclusive).

LIST I.

*The areas of the following revenue villages included
within the limits of the City of Poona.*

-
1. Bopodi.
 2. Dhanori.
 3. Lohgaon.
 4. Vadgaon Sheri.
 5. Ghorpadi.
 6. Mundhwa.
 7. Hadapsar.
 8. Kondhwe Khurd.
 9. Dhankavdi.
 10. Hingane Budruk.
 11. Kothrud.
 12. Pashan.
 13. Aundh.
 14. Wanowaire.
 15. Bibewadi in Kasbe, Poona,
Revenue Survey Nos. 559 to 595; 598 to 695; 732 and 440.
-

¹ Paragraph 21A was inserted by Bom. 57 of 1953 S.3.

* The Short title of the Act was amended as "The Maharashtra Primary Education Act" by Mah. 24 of 2012, S.2 and 3, Schedule, entry 28, with effect from the 1st May 1960.

LIST II.

Classes of land and buildings.	Period from the 1st April 1954 to 31st March 1956 (both inclusive).	Period from the 1st April 1956 to 31st March 1958 (both inclusive).	Period from the 1st April 1958 to 31st March 1960 (both inclusive).	Period from the 1st April 1960 to 31st March 1962 (both inclusive).
(1)	(2)	(3)	(4)	(5)
1. The annual rateable value of which does not exceed Rs. 50.	Nil	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.
2. The annual rateable value of which exceeds Rs. 50 but does not exceed Rs. 500.	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.	...
3. The annual rateable value of which exceeds Rs. 500 but does not exceed Rs. 1,000.	8 per cent. of the rateable value.	10 per cent. of the rateable value.	...	...
4. The annual rateable value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000.	10 per cent. of the rateable value.	...	...	...
5. The annual rateable value of which exceeds Rs. 2,000 but does not exceed Rs. 5,000.	12 per cent. of the rateable value.	...	...	...
6. The annual rateable value of which exceeds Rs. 5,000.	14 per cent. of the rateable value or the rate determined by the Corporation under section 99, whichever is less.	...	...	...]

Part IV : 1* * *

Part V : Power to remove difficulties.

Power to
remove
difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the ²[State] Government may, as occasion requires, by order do anything which appears to it necessary for the purpose of removing the difficulty :

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

¹ Part IV relating to the “*Special provisions relating to other cities*” was deleted by Mah. 4 of 1995, s.3.

² This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

¹[*SCHEDULE 'A'*
(See section 152 A)
Articles liable to payment of cess

Serial No.	Description of Goods	Maximum Rates of cess leviable
(1)	(2)	(3)
<i>Class I.—Articles of food and drink.</i>		
1	Grain, flour, pulses and cereals of all sorts including parched <i>gavar</i> , soyabean, parched grain and paddy.	4%
2	(a) Sugar.	2%
	(b) <i>Gur</i> of all sorts.	2%
3	Wines and spirits and beer.	10%
4	Ghee.	5%
5	Vanaspati and hydrogenated oils.	4%
6	Tea, Coffee and Coffee seeds.	4%
7	Saffron.	7%
8	Edible-bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betal nuts, canned fish, cheese, confectionery, jams and jellies, milk condensed and preserved, ice cream, all sorts of farinaceous foods, pickles, cocoa, cocoabeans and chocolates, biscuits and cakes, lard or edible animal fat, <i>mawa</i> , milkcream, <i>chakka</i> , fruitjuices, syrups and all beverages, glucose, dextrose or any fruit sugar, preserved provisions, baking or curry powder, saccharin, all kinds of food colours and essence, glucose of all other kinds, malt extract, honey, papad, potato wafers, meat fresh or preserved for whatever use and all kinds of food or drink not specifically provided for excepting whole milk or toned milk or skimmed milk powder.	7%
9	Dates dry.	6%
10	Dates wet.	4%
11	Chillies, turmeric, dhanian, methi or suva whole or powdered, tamarind seed whole or separated.	3%
12	Poultry, eggs and flesh of poultry.	2%

¹ Schedules "A", "B" and "C" were substituted by Mah. 4 of 2009, s. 8.

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
13	Coconut in shell, separated kernal of coconut and copra.	1%
14	Whole milk, toned milk and skimmed milk powder and curds.	5%
15	Oil seeds of edible oils and edible oils.	4%
	<i>Class II .—Animals.</i>	
16	Sheeps, goats, lambs and kids.	1%
17	Oxen, cows, buffaloes, calves and horses.	1%
18	Pigs.	1%
19	All animals, wild beasts, domestic pets except those to which entries 16, 17 and 18 of this Schedule apply.	10%
20	Animal bones, horns and hooves.	2%
	<i>Class III.—Articles used for Fuel, Lighting, Washing and Industrial use.</i>	
21	Charcoal, coal and coke.	4%
22	Crackers, fireworks and their components, calcium carbide and safety fuses.	7%
23	Chandeliers, globes, chimneys, electric bulbs and articles for electric or gas lighting.	6%
24	Soap of all kinds, boot and metal polish.	4%
25	Potash, <i>ritha</i> , soda, alum, saline substances, <i>shikakai</i> , washing soda, caustic soda, refined salt, patre, phenyle and substances used in washing clothes, floor and utensils.	4%
26	Oil seeds of inedible oils.	4%
27	Inedible vegetables oils.	4%
28	Methylated and denatured spirits and Industrial alcohols.	6%
29	(a) Mineral oils of all sorts, diesel oil, petrol, aviation spirit, all kinds of lubricating oils, white oil, spindle oil, furnance oil, petroleum products including natural gas and liquified petroleum gas, mava oil, sevasol, solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints solutions and compositions, oils (but nothing hereinbefore contained shall include kerosene).	5%
	(b) Crude oil.	5%
	(c) Grease and petroleum jelly.	5%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	<i>Class IV.</i> —Articles used in construction of Buildings, Roads and Other structures and Articles made of Wood and Cane.	
30	Cement of all sorts.	4%
31	Coaltars asphalt, bitumen flooring stone, manganese, emery stone or powder, chalk powder, stone chips, Agra stone, stone for building, clinker and coal ash.	4%
32	Glazed bricks, tiles, marble pieces, fire bricks, bricks, all kinds of roofing tiles, flooring tiles, china mosaic chips, mosaic marble, mosaic or terrazo tiles, earthen pipes, china pipes, cement pipes and asbestos cement sheets.	5%
33	Paints, distemper and colour washes used for painting buildings, varnish, boiled lines oils, turpentine, zinc oxide and red oxide.	5%
34	Yellow earth and earth of any other kind except red earth.	4%
35	Glass, glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings.	4%
36	Roofing felt.	5%
37	Timber, ballies, cane and articles made of any of them, doors, windows, frames, furniture, pets, staircases, sandal wood and articles made of such wood.	6%
38	Plywood, soft boards, hard boards, masonite or any other kind of wood of whatever composition prepared by artificial process and articles made thereof.	6%
	<i>Class V.</i> —Perfumes, Toilet Requisites, Colours and Household Goods.	
39	(a) Hair oil, perfumed oils, perfumery of all kinds, scents, <i>attars</i> , scented material, aromatic chemicals, toilet incense sticks, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, comb, brushes, looking glasses, hairpins, breeches, garters and suspenders.	5%
	(b) Scissors, razors, safety razors, blades, knives, pen knives, spoons, forks, cutlery of all kinds, needles of all sorts, locks and keys, stoves and petromax and their parts and accessories and hardware articles.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	(c) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluloid articles, beads of all sorts, imitation pearls, articles of imitation jewellery, plastic and plastic goods, plastic powder, bakelite and bakelite goods.	4%
40	(a) Imitation ornaments.	6%
	(b) Toys of all kinds.	4%
41	Crockery of all sorts.	4%
42	Glass and glassware including bangles, bottles, articles of china and porcelain wares and earthen wares (excluding articles used for construction or decoration of buildings).	4%
	<i>Class VI.—Tobacco Requisites.</i>	
43	Cigar and Cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigarette and cigar cases, <i>hukka</i> and smoking requisites and cigarette lighters.	8%
	<i>Class VII.—Piece goods cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.</i>	
44	Piece goods of wool, silk linen, hemp, artificial and synthetic materials and articles made up purely or partly of any of the above material not otherwise specified, 100 per cent. cotton fabrics, readymade garments made out of 100 per cent. cotton fabrics, hosiery goods made out of 100 per cent. cotton fabrics, sanitary towels, napkins, disposable baby-diapers, cotton beds and pillows and surgical cotton.	3%
45	Cotton ginned or unginned.	4%
46	Cotton waste, yarn waste and hard waste.	4%
47	Raw or unspun wool, hemp, jute, coconut and other fibres and rope and articles made thereof.	4%
48	Yarn and threads of all sorts.	5%
49	Starches of all sorts, sago, rice and flour, arrowroot tapioca and its flour, tamarind powder, farina starches and sizing materials, tallow, sizing oils and such substitutes.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
50	Hides and skins.	4%
51	Leather including harness, saddles, bags, boxes, shoes, <i>chappels</i> , slippers, sandals, straps and all articles made of leather.	4%
52	Rubber tyres and tubes—	
	(a) Rubber, rubber goods, gatta, purcha and articles made thereof (wholly or partly), rubber solution and latex.	4%
	(b) Raw rubber.	4%
	<i>Class VIII.</i> —Metals and articles made of metals.	
53	Iron and Steel—	
	(a) Pig iron,	4%
	(b) Blooms, billets and slabs,	4%
	(c) <i>Structural</i> —	4%
	(i) joints, (ii) channels, (iii) angles, equal or unequal, (iv) bulbs or toes, (v) light rails, (vi) fish plate for light rails, (vii) shell, steel ingots, blooms, billets and bars, (viii) black or galvanized sheets, plain or corrugated, (ix) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof, (x) bars and rods, (xi) bolts, nuts, washers, rivets and such other articles, (xii) wire barbed, telegraph or other kind of black galvanized, (xiii) wire nails, (xiv) spring steel, vehicular or flat bars, (xv) hoops and strips, and (xvi) pipes.	
54	Iron and steel-scrap.	4%
55	Iron and steel-any other articles manufactured from iron or steel other than cutlery, hardware and machines or machine parts not specifically provided for.	4%
56	Machinery and their components and spares—	
	(a) (i) Electric machinery for generation, transmission and distribution and motors and generators and their components and spares,	4%

SCHEDULE 'A'—Contd.

(1)	(2)	(3)
	(ii) Electric goods including cells, batteries and copper strips, horn electric,	4%
	(iii) Electric fittings and material,	4%
	(iv) Electrical domestic appliances,	4%
	(v) Electrical machinery of all kinds, control sets, switch-gear, generators, alternators and dynamos, motors, transformers and turbo generating sets.	4%
	(b) Agricultural machinery and parts.	4%
	(c) Oil engines, diesel engines, steam engines, petrol and gas engines and machines worked by hydraulic pressure and their parts.	4%
	(d) Tools of all kinds.	4%
	(e) Printing press machines and spares.	4%
	(f) Any other machinery, its components and spares not specifically provided for.	4%
57	Vehicles-	
	(a) Motor cars, motor cycles, chassis and lorries.	5%
	(b) Bicycles, perambulators, carriages, all kinds of vehicles and their components and spares.	4%
58	Instruments, apparatus, appliances and parts thereof—	
	(a) Sewing machines, clocks and watches and typewriters and their spares.	4%
	(b) Radio, radiograms, television set or apparatus, loud-speakers and gramophones, amplifiers, wireless goods, video cassette recorders, video cassette players, all kinds of electronics goods, their components and spares.	5%
	(c) Photographic machinery, photo goods and materials including photographic chemicals, films and mounts and their components and spares.	5%
	(d) Cine projection machinery, their components, spares, and materials, used therein.	5%
	(e) Surveying apparatus.	5%
	(f) Scientific appliances.	5%

SCHEDULE 'A'—Contd.

(1)	(2)	(3)
	(g) Optical goods, their spares and accessories, surgical instruments and hospital requirements including their spares and accessories.	5%
	(h) Mill and gin stores including crucibles, cotton ropes and spares.	4%
	(i) All kinds of apparatus, appliances and spares.	4%
59	Non-ferrous metals that is to say brass, copper, tin, aluminium, lead, zinc, germansilver, stainless steel, their alloys, wire-wares and sheets, ingots and circles, etc.	4%
	IX.—Miscellaneous Class.	
60	Dyes, tans, indigo and all colouring matters including printing paste, inks and industrial paints.	5%
61	Paper-	
	(a) Newsprints.	7%
	(b) Card boards, straw-boards, grey boards and mill-boards.	7%
	(c) All kinds of paper of whatever composition and thickness.	7%
62	Lac and cork and articles made thereof.	4%
63	Sculptured articles of wood, stone, clay or metal, other articles and earthenwares.	4%
64	Chinaware, porcelainware and electric insulators not otherwise specified.	4%
65	(a) Cinema films, all film raw.	7%
	(b) Cinema films processed and reels.	7%
66	Molasses.	7%
67	Books and periodicals including almanacs, <i>panchangs</i> and time-tables for passanger transport services, catalogues, all publications which publicize goods, services and articles for commercial purposes, race cards, account books, diaries, calendars, office files and documents, answer books (blank or used), tags, weddings cards, greeting cards, invitation cards, post cards, picture-post cards, cards for special occasions, visiting cards, photo albums, stamp albums made of paper, playing cards and newspapers.	3%

SCHEDULE 'A'—Contd.

(1)	(2)	(3)
68	Cattle-feed including fodder and concentrates meant exclusively for cattle, cotton seeds, oil cakes and feed supplements.	2%
69	<i>Bidi</i> leaves.	2%
70	Firewood, bamboo and articles made of bamboo except toys.	2%
71	Fish, fresh and dry and fish oils.	2%
72	Fresh flowers, fresh vegetables, potatoes, sweet potatoes, elephant's foot (Yam), ginger, onions, garlic, fresh fruits and betel nuts.	1%
73	<i>Pan</i> , <i>tambul</i> , <i>vida</i> or <i>patti</i> , prepared from betel leaves.	2%
74	Plantain leaves, <i>palas</i> leaves, <i>patraval</i> , <i>dron</i> .	1%
75	Salt.	3%
76	Slates and slate pencils, chalk-sticks and crayons, exercise and drawing books, lead pencils, orreries and their parts, fountain pens, ball pens, stylograph pens, propelling pencils and refills.	3%
77	Sugarcane.	2%
78	Water-mineral, medicinal, distilled or demineralised water, water for injection and plain aqua excluding aerated water.	4%
79	Flower seeds, fruit seeds, vegetable seeds, seeds of lucerne and other fodder grass, seeds of the canna, hemp, bulb corns, rhizomes, suckers and tubers (including edible tubers), bud grafts, cuttings, grafts, layers, seedlings and plants.	2%
80	Poultry feed and concentrates exclusively meant for poultry or other birds.	3%
81	Safety matches (excluding matches ordinarily used as fire works).	5%
82	Sports goods, gymnasium goods, marbles, pebbles and musical instruments.	4%
83	Insecticides excluding oils used as insecticides, pesticides, fungicides and weedicides.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
84	Ice and dry ice.	3%
85	Fowls of all sorts, ducks and birds.	3%
86	Human hair and animal hair.	5%
87	Mercury.	4%
88	Bee wax, baby berry wax and wax excluding petroleum wax.	3%
89	Brooms.	3%
90	Vitamins.	6%
91	Kerosene.	4%
92	Red earth.	4%
93	Cotton yarn used for handlooms and handloom cotton cloth.	5%
94	All articles other than those specified in the preceding entries of this Schedule.	4%

SCHEDULE 'B'

[See section 152 C (1)]

Articles free from payment of cess

Serial No.	Description of Goods
(1)	(2)
1	Electricity.
2	Aeroplanes of all kinds including helicopters and components, parts and accessories of any of them.
3	Mica graphite and activated earth.
4	Currency notes and coins.
5	Fertilisers and manures including chemical manures.
6	Silk worm eggs and silk worm cocoons.
7	Life saving drugs and all medicines excluding tooth powder or toothpaste, cosmetics, toilet requisites and soaps, whether used as medicine or otherwise, blood and herbal drugs.

SCHEDULE 'C'

[See section 152 C (2)]

List of goods on which cess shall not be payable to the Corporation

Serial No.	Description
(1)	(2)
1	<i>Bona-fide</i> personal luggage of passenger arriving by the air, sea, river, rail or road and articles for their private and personal use, which have already been in use at the time of import.
2	Machines worked by manual power for <i>bona-fide</i> use of educational institutions.
3	Camp equipment of Government officers on tour.
4	Necessary (not being articles of food and drink) equipments and clothing procured by the officers in command of troops for the direct and exclusive use of their men and camp followers, if and when accompanied at the time they enter the cess limits by a certificate of the officer commanding that they are so intended.
5	Goods entering the cess limits either in exhibition train itself, or for being placed in any exhibition to be held in the cess limits but not for sale; in the latter case on the production of certificate to that effect from the Secretary or the Manager managing the said exhibition.
6	<i>Bona-fide</i> commercial samples meant for free distribution and not meant for transfer or sale so certified by the importer.
7	Goods imported by rail, sea or air and rebooked and exported without being removed from the premises of the railway, docks, <i>bunders</i> , wharfs and airports.
8	Goods imported in accordance with the orders of a Court of law in connection with its official use.
9	Used furniture, tents, <i>chholddaries</i> , crockery, utensils, lamps, ballies, hired for parties, marriage ceremonies and public functions outside the cess limits which were so taken outside with the written permission of a Cess Authority and which are accompanied by the said written permission, while re-entering the cess limits.
10	Machinery, instruments and other articles and their components parts which were taken outside the cess limits for the purposes of

SCHEDULE 'C'—*Contd.*

(1)	(2)
	repairs or processing, if imported with the written permission of a Cess Authority and are accompanied by the said written permission, while re-entering the cess limits.
11	Free gifts of any goods received as aid or relief supplied from any foreign Government or its recognized agency operating in India. <i>Explanation I.</i> —For the purpose of this entry, “recognized agency” means an agency specified as such by the State Government, by an order published in the <i>Official Gazette</i> . <i>Explanation II.</i> —If any doubt arises as to whether any particular gift is eligible for exemption under this entry or not, the matter shall be referred to the State Government, whose decision shall be final.
12	All contraceptives, drugs or appliances used for Family Planning purposes.
13	(i) Cotton, hand spun yarn and <i>Khadi</i> cloth. (ii) Woollen hand spun yarn and hand woven cloth, including <i>Ghongadis</i> . (iii) Hand spun and reeled silk yarn and hand woven silk cloth, including tassar yarn and cloth. (iv) Village industries products. <i>Explanation.</i> —The exemption from payment of cess under this entry shall be given subject to the condition that the goods are certified by the Maharashtra State Khadi and Village Industries Board, or the Khadi and Village Industries Commission.
14	Empty Treasure Boxes supplied by the Reserve Bank of India to its Agency Banks for packing the Government Treasure for dispatch to Agency Banks or to the Head Office of the Bank.
15	Concessional quality white printing paper supplied by the Government of India.
16	Locally manufactured articles consigned from within the limit of the City but returned to the consigner within six months from

SCHEDULE 'C'—*Contd.*

(1)	(2)
	the date of their export on account of the refusal of the consignee to accept the same either wholly or partly subject to the furnishing of adequate documentary evidence.
17	<ul style="list-style-type: none"> (i) Flat plate solar collectors. (ii) Concentrating and pipe type solar collectors. (iii) Solar cookers. (iv) Solar waterheaters and systems. (v) Air/gas/fluid heating systems. (vi) Solar crop driers and systems. (vii) Solar stills and desalination systems. (viii) Solar pumps based on solar thermal and solar photovoltaic conversion. (ix) Solar power generating systems. (x) Solar photovoltaics modules and panels for water pumping and other applications. (xi) Wind mills and any specially designed devices which run on wind mills. (xii) Any special devices including electric generators and pumps running on wind energy. (xiii) Biogas plants and biogas engines. (xiv) Agricultural and municipal waste conversion devices producing energy. (xv) Equipments for utilizing ocean waves and thermal energy.
18	Films imported by educational institutions recognized by the Government for the purpose of free education to students.
19	<i>Bona-fide</i> luggage and kit belonging to a travelling circus, or to a travelling company, performing Dramas, <i>Lok Natyas</i> or <i>Tamashas</i> and which is to be used for the performance of the Dramas, <i>Lok Natyas</i> or <i>Tamashas</i> , as the case may be.
20	<ul style="list-style-type: none"> (a) Bread (Handmade); (b) <i>Ganesh</i> idols made of either clay or plaster of paris, brought at the time of <i>Ganesh Chaturthi</i>.]

¹[*SCHEDULE 'D'*]*

(See section 453)

CHAPTER I.

ELECTION RULES.

Municipal Election Roll.

²[1. Printed copies of the municipal election roll shall be kept for public inspection in the chief municipal office and such other places as the Commissioner may think fit.]

Election Roll to be kept for public inspection.

Elections of Councillors.

7. (1) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceeding general elections is due to expire under section 6 as he shall think fit.

Dates of nominations.

(2) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

8. Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the *Official Gazette* and in the local newspapers and by posting playcards in conspicuous places in the ward for which such election is to take place.

Notice to be given of day fixed for nomination of candidates for ward elections.

9. (1) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

Provisions regarding nomination of candidates.

(2) With respect to such nominations, subject to sub-rule (3), the following provisions shall have effect, namely —

(a) nomination papers shall be in Form A;

(b) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and upto four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge;

(c) each nomination paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitle to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated;

(d) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of day fixed for the nomination of candidates ;

¹ This heading was substituted for the heading "The Schedule " by Mah. 3 of 1996, s. 8(a).

² Rule 1 was substituted for rules 1 to 6 by Mah. 34 of 1965, s. 10 (a).

* Amendments in this Shedule have been incorporated as per the Act, enacted by the Maharashtra State Legislature.

(e) each candidate must be nominated by a separate nomination paper ;

1 * * * * *

(f) The Commissioner shall on receiving a nomination paper enter in 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 ;

(g) if any person subscribes more nomination papers than ²[one, the nomination papers received after the receipt of the first shall be deemed to be invalid];

(h) if any person nominated —

³[(i) is not qualified to be elected as a councillor under sub-section (1) of section 9],

(ii) has not made or caused to be made the deposit referred to in sub-rule (1) of rule 10, or

(iii) is disqualified under any provision of this Act for being a councillor, the Commissioner shall declare such person's nomination invalid;

(i) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 18 ;

(j) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;

(k) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(l) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election":

Provided that if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected :

Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election ;

(m) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (i) or clause (j), to

¹ The portion beginning with words " but any person " and ending with words " but no more " was deleted by Mah. 26 of 1967, s. 3(a)(i).

² This portion was substituted, *ibid*, s. 3 (a)(ii).

³ This sub-clause was substituted for the original by Mah. 12 of 1990, s. 8.

be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of these wards he shall serve; the choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(n) if, when ward elections are held as aforesaid, any person who is deemed, under clause (i) or clause (j), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

(3) No councillor shall be deemed under sub-rule (2) to have been elected for a seat reserved for ¹[members of the Scheduled Castes] in any ward unless he is a ¹[members of the Scheduled Castes] and in respect of any such seat the following further provisions shall apply, namely —

(a) if for any vacancy of a seat reserved for ¹[members of the Scheduled Castes] there is no validly nominated candidate eligible to fill such seat, it shall be deemed that no councillor has been elected, and proceedings for filling the vacancy shall be taken under section 18;

(b) if for any such vacancies the number of validly nominated candidates so eligible is less than that of the vacancies, such candidates shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;

(c) if for any such vacancies the number of validly nominated candidates so eligible is equal to that of the vacancies, such candidates shall be deemed to be elected;

(d) if any candidate validly nominated as eligible dies or signifies in writing to the Commissioner not later than seven days after the date appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of validly nominated candidates so eligible is less than or the same as that of the vacancies, the remaining validly nominated candidates so eligible shall be deemed to be elected.

¹ These words were substituted for the word " Harijans " by Bom. 53 of 1959, s.2, Sch. H 4062—43a

Deposit by
candidates.

10 (1) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Commissioner the sum of one hundred rupees in cash or in Government securities of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if —

- (a) the candidate is declared or is deemed to be duly elected,
- (b) the candidate signifies his intention in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election,
- (c) the nomination of the candidate is declared invalid,
- (d) the candidate dies, after the scrutiny of nomination paper and before the commencement of the poll, or
- (e) the candidate fails to be elected but secures valid votes in excess of the number specified in sub-rule (4).

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies before the day fixed for the poll, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidates is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

Poll to be
taken when
a ward
election is
contested
and names of
validly
nominated
candidates to
be published.

11. (1) When a ward election is contested, a poll shall be taken on such date, not less than twenty-one days after the day appointed for the nomination of candidates as the Commissioner may fix. At such poll, the municipal election or roll which was in operation on the day appointed for the nomination of candidates shall be deemed to be the roll to which reference must be made for the purpose of the election.

(2) At least three days before the day of the poll, the Commissioner shall cause the names of all persons validly nominated, with their respective abodes and descriptions, to be published in the *Official Gazette* and in the local newspapers.

Provisions
respecting
contested
ward
elections.

12. With respect to the contested ward elections the following provisions shall have effect, namely:—

- (a) votes shall be given by ballot and in person; no votes shall be received by proxy;
- (b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (2) of rule 11 as having been validly nominated ;

(c) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;

1 * * * *

²[(e) every elector shall be entitled to give only one vote, and he may give that vote only to any one of the candidates ;]

3 * * * *

(g) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of these candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(h) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive;

(i) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(j) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid votes given to each candidate; in accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

Voting in Ward Elections.

13. The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

Hours of commencement and close of poll.

14. (1) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and the polling areas for which they have respectively been selected.

Polling stations and presiding officers.

(2) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to as polling officers, to assist the presiding officer as he thinks necessary.

¹ Clause (d) was deleted by Mah. 34 of 1965, s. 10(b).

² Clause (e) was substituted by Mah 26 of 1967, s. 3(b)(i).

³ Clause (f) was deleted, *ibid.*, s. 3(b)(ii).

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Commissioner.

Duties of
presiding
officer.

15. (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the Commissioner,

(b) the polling officers or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

¹[(2) The presiding officer shall close the polling station at the hours fixed in that behalf under rule 13, and shall not thereafter admit any elector into the polling station :

Provided that, all electors present at the polling station before it is closed shall be allowed to cast their votes.

(3) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer, and his decision shall be final.]

Removal
from polling
station for
misconduct.

16. If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

2* * * * *

Voting
compartment.

18. Each polling station shall be furnished with such number of compartments, in which electors can record their votes screened from observation, as the Commissioner thinks necessary.

Supply of
election
materials
and ballot
boxes.

19. The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

¹ Sub-rules (2) and (3) were substituted for original sub-rule (2) by Mah. 24 of 1979, s.2(2)(a).

² Rule 17 was deleted, *ibid* s. 2(2)(b).

20. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Sealing of
ballot boxes.

21. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Procedure
before ballot
paper is
delivered to
elector.

22. The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and ¹[there make a mark on the ballot paper with the instrument supplied for the purpose either at the place provided for putting a cross or on or near the name and symbol of the candidate for whom he intends to vote,] and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Voting.

23. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

Assistance to
electors.

24. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :—

Identity of
electors.

(1) Are you the person enrolled as follows (reading the whole entry from the roll) ? and

(2) Have you already voted at the present election in this ward ? and at a general election—

(3) Have you already voted at this election in any other ward ? and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

25. (1) The ballot paper shall be in Form B.

Form of
ballot paper.

(2) The ballot papers shall be serially numbered, the serial number being printed on the counter foil and on the back of the ballot paper.

¹ These words were substituted for the words “ there mark his paper ” by Mah. 24 of 1979, s. 2(2)(c).

Tendered
votes.

26. If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other elector. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.

Challenged
votes.

27. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner provided in rule 24 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes :

Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

Spoilt ballot
papers.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Voting by
officers on
duty at
polling
stations.

29. (1) A presiding officer, polling officer or polling agent ¹[for other public servant, who is on any duty connected with the election at or near a polling station] at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situated. A certificate issued under this rule shall be in Form E.

(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (1) to the Commissioner who shall cause such ballot paper to be included among the valid ballot papers of the appropriate ward.

¹ These words were substituted for words "who is on duty at a polling station" by Mah. 24 of 1979, s. 2(1)(d).

30. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

Despatch of ballot papers.

- (1) each ballot box in use at each polling station unopened but with the key attached ;
- (2) the unused ballot papers ;
- (3) the tendered ballot papers ;
- (4) the spoilt ballot papers ;
- (5) the marked copy of the election roll;
- (6) the counterfoils of the ballot papers ;
- (7) the tendered votes list; and
- (8) the list of challenged votes ;

and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.

31. The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under rule 29.

Statement to be sent to commissioner with ballot papers.

32. Notwithstanding anything contained in this Act, the Commissioner may, for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for polling. In emergencies such as disturbance of the public peace, the presiding officer may, with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day.

Postponement of poll; adjournment of poll.

The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.

Scrutiny and Counting of Votes and Declaration of Results.

33. The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes.

Appointment of date, time and place for counting of votes.

34. (1) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, and one representative of each candidate authorised in writing by the candidate in this behalf.

Who may be present at the counting of votes.

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

35. On the day and at the time appointed under rule 33 the Commissioner shall proceed as follows :—

Procedure to be followed at the counting of votes.

- (a) the ballot box or boxes relating to each polling station or the envelopes containing the ballot papers, as the case may be, shall be

opened one after another and the Commissioner shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement; such statement shall not be shown to any candidate or representative of a candidate;

(b) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the persons appointed to assist in counting the votes ;

(c) when the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and their representatives reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected, endorse the word "rejected"; if any candidate or representative present questions the correctness of the rejection, he shall also record on the ballot paper, the grounds for the rejection. No candidate or representative shall be allowed to see the serial number on the back of any ballot paper ;

(d) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;

(e) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

Grounds of
rejection of
ballot paper.

36. (1) A ballot paper shall be rejected if—

(a) the number of votes recorded thereon exceeds the number of seats to be filled;

(b) no vote is recorded thereon ;

(c) more than one vote has been recorded against the name of any one candidate;

(d) it is void for uncertainty ;

(e) it bears any mark by which the elector can be identified.

(2) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on a election petition claiming the seat.

Verification.

37. The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

38. The Commissioner shall then prepare and certify a return setting forth :—

- (1) the result of the verification referred to in rule 37 ,
- (2) the names of the candidates for whom valid votes have been given ,
- (3) the number of valid votes given for each candidate ,
- (4) the name of the candidate elected ,
- (5) the number of votes declared invalid, and
- (6) the number of tendered votes given, and shall permit any candidate or his representative duly authorised under rule 34 to take a copy or an extract from such return.

39. (1) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.

Declaration of results of elections.

(2) The names of the persons elected to be councillors shall be published, as soon as may be, in the *Official Gazette*.

Disposal of Ballot Papers.

40. The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

Custody of election papers.

41. While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents shall not be inspected or produced except under the order of the Judge, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Production and inspection of election papers.

42. The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary given by the Judge.

Destruction of election papers.

General Provisions.

43. If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll relates to a particular person, the Commissioner or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll.

Certain powers, etc., not to be delegated by Commissioner.

44. Notwithstanding anything contained in section 69, it shall not be lawful for the Commissioner to authorise any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules ¹ * * 7, 8, 9, 11, 12 and 39.

Powers of Commissioner in case of difficulty.

45. If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

Decisions given by Commissioner final.

46. Subject to the provisions of section 16 ² * * * * * all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall, be final.

CHAPTER II

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, ETC.

Proceedings of the Corporation.

Provisions regulating Corporation's proceedings.

1. (a) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;

(b) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent date to be fixed by the Commissioner;

(c) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee ;

(d) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit, and shall upon a written requisition signed by not less than one fourth of the whole number of councillors or by not less than four members of the Standing Committee, call a special meeting and every meeting of the Corporation shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal office;

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

¹ The figures and brackets " 3, 4(1), 5 " were deleted by Mah. 34 of 1965, s. 10(c).

² The words and figures " and rule 2 " were deleted, *ibid.*, s. 10(d).

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

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

(g) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and, if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion ;

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

(i) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councillor;

(j) any councillor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in a local newspaper not later than the day previous to the meeting;

(k) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (i) and any questions asked under section 44 or urgent business not specified in the said notice which the Standing

Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (j) or which is not in support of the recommendation of the Standing Committee, Transport Committee or Commisisoner with reference to any urgent business brought by any of those authorities respectively before the meeting :

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

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

(m) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or propositions remaining undisposed of at the meeting from which the adjournment took place :

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

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

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

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

(n) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge and by any other person on payment of a fee of eight annas ;

(o) every question other than the question whether the Standing Committee, Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes;

(p) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(q) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(r) no resolution passed by the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councillors as may be required by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (h) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

¹[(s) where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.

¹. Clause (s) was added by Mah. 32 of 2011, s. 30(a).

Power to
order
withdrawal of
councillor.

2. (1) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councillor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(2) If any councillor is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such councillor from attending the meetings of the Corporation for such period not exceeding fifteen days as the presiding authority may fix and the councillor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from participating in the proceedings of any committee of which he is a member.

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

Proceedings of the Standing Committee.

Provisions
regulating
the
proceedings
of the
Standing
Committee.

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

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

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

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

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

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

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

(h) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

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

(j) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

¹[(k) where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and the report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.]

Proceedings of the Transport Committee.

4. (a) The Transport Committee shall meet for the despatch of business in the chief municipal office or at such other place as the Corporation may direct; Meetings of Transport Committee.

(b) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary;

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

(d) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business ;

(e) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of meeting;

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

¹. Clause (k) was added by Mah. 32 of 2011, s. 30(b).

(g) every question shall, subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(h) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting.

Questions.

Right to ask questions.

5. (1) Any question concerning or connected with the administration of this Act or the municipal government of the City may be asked by a councillor subject to the following conditions :—

(a) not less than seven clear days notice in writing specifying the question shall be given to the Municipal Secretary ;

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ;

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the Dominion of India;

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is, or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or community or section of any community.

(2) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-rule (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the Mayor shall decide the point and his decision shall be final.

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

(5) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(6) If any questions seek information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.

(7) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

CHAPTER III.

METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL
OFFICERS AND SERVANTS AND THEIR
DUTIES AND POWERS.I. *Method of appointment.*

1. Save in the case of temporary appointments made under sub-section (7) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3.

Manner of
making
appointment.

2. Before making an appointment to any post referred to in rule 1 applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinised by the Commissioner who shall submit to the Corporation, through a committee if so required by the Corporation, a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post:

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualifications prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from time to time prescribe the qualifications required for each post, the power of appointment to which vest in the Corporation, with the approval of the ¹[State] Government, who may, in granting such approval, make such modifications in, or additions to, the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a temporary or provisional capacity for a period not exceeding six months, unless he possess the qualifications specified in the regulations.

II. *Chief Auditor.*

5. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(2) In the discharge of his functions under this rule the Municipal Chief Auditor shall—

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

6. (1) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to disapproval of, and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said office for inspection.

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

9. The Municipal Chief Auditor shall have authority to frame rules, and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

CHAPTER IV.

ESSENTIAL SERVICES.

Class I.

- (a) Scavenging or cleansing streets or premises,
- (b) maintaining, repairing, cleansing or flushing drains,
- (c) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools,
- (d) removing carcasses,
- (e) preventing nuisances generally.

Class II.

- (a) Fire brigade service,
- (b) services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—

- (i) Inspectors,
- (ii) Sub-Inspectors,
- (iii) Foremen,
- (iv) Mechanics,
- (v) Drivers,
- (vi) Watchmen,
- (vii) Labourers,
- (viii) Workmen,
- (c) Lamp-lighters.

Class III.

- (a) Electric undertaking services,
- (b) transport services.

CHAPTER V.

CONTRACTS.

1. (1) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Mode of
executing
contracts.

Provided that—

(a) any such contract which would require to be under seal if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation ; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees or such higher amount as the Corporation, with the approval of the ¹[State] Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (2), unless the contract relates to work which has already been performed or the supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(2) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of ²[any two persons from amongst any two members of the Standing Committee, Municipal Secretary and any officer not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner] to every contract or other instrument ³[other than contract relating to the acquisition of immovable property or interest therein or a right thereto] required to be under seal and such contract or instrument shall be signed by ⁴[the said two persons] in token that the same was sealed in their presence. The signatures of ⁵[the said two persons] shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Tenders to
be invited
for certain
contracts.

2. (1) Except as is hereinafter otherwise provided, the Commissioner or any officer authorised by him in this behalf shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve and expenditure exceeding ⁶[two lakhs] rupees or such higher amount as the Corporation may, with the approval of the ¹[State] Government, from time to time prescribe, give notice by advertisement in the local newspapers, inviting tenders for such contract :

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² These words were substituted for the words "two members of the Standing Committee" by Mah. 32 of 2011, s.31(a)(i).

³ These words were inserted, *ibid.*, s.31(a)(ii).

⁴ These words were substituted for the words "the said two members of the Standing Committee". *ibid.*, s.31(a)(iii).

⁵ These words were substituted for the words "the said members". *ibid.*, s.31(a)(iv).

⁶ These words were substituted for the words "three thousand" *ibid.*, s. 31(b)(i).

¹[Provided that, the notice of any tender for contract below the amount of two lakhs rupees shall be uploaded on the official website of the Corporation.]

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 73, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Standing Committee may authorize the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

3. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Security when to be taken for performance of contract.

4. The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking:

Application of Chapter to contracts relating to Transport Undertaking.

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

CHAPTER VI.

SPECIAL FUNDS.

1. Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called “ the Fines Fund ” the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die while in municipal service.

Constitution of Fines Funds.

2. Amounts transferred to the Municipal Fund under the provisions of clause (c) of sub-section (1) of section 360 shall be credited to a special fund to be called “ the Welfare Fund ” and shall be expended

Constitution of Welfare Funds.

¹ This proviso was added, by Mah. 32 of 2011, s. 31(b)(ii).

in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine.

Special funds may be created with the approval of Corporation.

3. (1) With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the municipal accounts.

(2) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(3) If the Corporation is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

Institution of Transport Staff Benefit Fund.

4. Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be expended in promoting the well-being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.

Other special funds.

5. (1) With the previous approval of the Corporation, the Transport Committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertaking.

(2) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(3) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

CHAPTER VII.

BUDGETS.

1. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units. Classification of budget heads.

(a) “ Major head ” means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(b) “ Minor head ” means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(c) “ Subordinate head ” means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

(d) “ Primary unit ” means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

2. (1) Subject to the provisions of sub-section (1) of section 101, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another. Reductions or transfers.

(2) The Standing Committee may at any time during an official year—

(a) reduce the amount of a budget grant;

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head ; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commisioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (3) shall be reported forthwith by the Commissioner to the Standing Committee.

(4) When making any transfer under sub-rules (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (a) of sub-rule (2) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(6) For the purpose of expenditure from the Transport Fund the provisions of this rule shall apply as if for the words "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

CHAPTER VIII.

TAXATION RULES.

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be
given to
Commissioner
of all
transfers of
title of
persons
primarily
liable to
payment of
property tax.

1. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

Form of
notice ¹[and
fee payable
for transfer
of title.]

2. (1) The notice to be given under rule 1 shall be in such form as the Commissioner may from time to time by public notice specify and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the ² * * * Registration Act, 1908, or, in case of a transfer of the title of a deceased person, of any other document constituting evidence of such transfer.

¹ These words were added by Mah. 10 of 2010, s. 21 (1).

² The word "Indian" was deleted, *ibid.*, s. 21 (2).

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fees as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

3. (1) If any person primarily liable for the payment of a property-tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

(2) Nothing in this rule shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property-taxes due thereupon.

4. (1) On the written request of the Commissioner, the Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the ¹* * Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissioner may from time to time specify.

Commissioner may call for information from Registrar.

(2) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Commissioner so requests, in periodical returns made at such intervals as the Commissioner may fix.

5. (1) When any new building is erected, or when any building is rebuilt or enlarged or when any building which has been vacant is reoccupied ²[or when there is change of user of part or whole of the building] the person primarily liable for the property-taxes assessed on the building, shall within fifteen days give notice thereof, in writing, to the Commissioner.

Notice to be given to Commissioner of the erection of a new building, etc.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof ³[and in the case of change of user of part or whole of the building, from the date of such change of user].

¹ The word "Indian" was deleted by Mah. 10 of 2010, s. 22.

² These words were inserted, *ibid.*, s. 23 (1).

³ These words were added, *ibid.*, s. 23 (2).

Notice to be given to the Commissioner of demolition or removal of a building.

6. (1) When any building or any portion of a building which is liable to the payment of a property-tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed :

Provided that nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

Rateable value how to be determined.

7. (1) In order to fix the rateable value of any building or land assessable to a property-tax there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per cent. of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(2) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner, with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-rule (1) but, save as aforesaid, no account shall be taken of the value of any plant or machinery contained or situated in or upon any such building or land.

(3) A statement setting out clearly the classes of plant and machinery specified from time to time by the Commissioner under sub-rule (2) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the directions of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the chief municipal office.

(4) Printed copies of the statement prepared under sub-rule (3) shall be kept on sale at the chief municipal office at such price as the Commissioner may fix.

Capital value how to be determined.

¹[**7A.** (1) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the *Bombay Stamp Act, 1958 ²[as a base value], or where the Stamp Duty Ready Reckoner does not indicate value of any properties in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the

Bom.
LX of
1958.

¹ Rule 7A was inserted by Mah. 10 of 2010, s. 24.

² These words were inserted by Mah. 27 of 2010, s. 13 (A) (1) (a).

* The short title was amended as "the Maharashtra Stamp Act" by Mah. 24 of 2012, s.2 and 3, Schedule, entry 67, with effect from the 1st May 1960.

Commissioner may fix the capital value of any building or land, ¹[taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—]

(a) the nature and type of the land and structure of the building ;

(b) area of land or carpet area of building ;

(c) user category, that is to say, (i) residential, (ii) commercial (shops or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes, (ix) malls, and (x) any other building or land not covered by any of the above categories;

(d) age of the building ; or

(e) such other factors as may be specified by Regulations made under sub-rule (2).

(2) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be ²[assigned to various such factors and categories]for the purpose of fixing the capital value under sub-rule (1).

(3) The capital value of any building or land fixed under sub-rule (1) shall be revised every five years :

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment-book in relation to such building or land under rule 20.

(4) The provisions of sub-rules (2), (3) and (4) of rule 7 shall *mutatis mutandis* apply for fixing the capital value also.]

8. (1) To enable him to determine the ³[ratable value or the capital value, as the case may be,] of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier :—

Commissioner may call for informations or return from owner or occupier or enter and inspect assessable premises.

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

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

¹ These words were substituted for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—" by Mah. 27 of 2010, s. 13 (A) (1) (b).

² These words were substituted for the words "assigned to various such categories", *ibid*, s. 13 (A)(2).

³ These words were substituted for the word "value", by Mah. 10 of 2010, s. 25 (1).

(c) as to the actual cost or other specified details connected with the determination of the ¹[ratable value or the capital value, as the case may be,] of such building or land.

²[(d) as to the details in respect of any or all the items as enumerated in clauses (a) to (e) of sub-rule (1) of rule 7A, in relation to such building or land or of any portion thereof.]

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

(3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objection to any assessment made by the Commissioner in respect of such building or land of which he is the owner or occupier.

(4) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

Assessment
book what to
contain.

9. The Commissioner shall keep a book, to be called " the assessment-book" ³[in such form and manner as he may, with the approval of the Standing Committee, decide], in which shall be entered every official year—

(a) a list of all buildings and lands in the City, distinguishing each either by name or number as he shall think fit, and containing such particulars regarding the location or nature of each as will, in his opinion, be sufficient for identification ;

(b) the ratable value ⁴[or the capital value, as the case may be,] of each such building and land determined in accordance with the provisions of this Act and the rules ;

(c) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

⁵[(d) if any such building or land is not liable to be assessed to the general tax or is exempted from payment of property-tax, either in whole or in part, the reason of such non-liability or exemption, as the case may be;]

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, or the receipt of complaints against the amount of ratable value ⁶[or the capital value, as the case may be,]

¹ These words were substituted for the word "value", by Mah. 10 of 2010, s. 25 (1).

² Clause (d) was added *ibid.*, s. 25 (2).

³ These words were inserted, *ibid.*, s. 26 (1).

⁴ These words were inserted *ibid.*, s. 26 (2).

⁵ Clause (d) was substituted, by Mah. 10 of 2010, s. 26 (3).

⁶ These words were inserted *ibid.*, s. 26(4)

entered in any portion of the assessment-book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(f) if, under section 134 or 135, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

10. (1) The assessment-book may, if the Commissioner thinks fit, be made in separate books, called "ward assessment-books", one for each of the wards into which the City is for the time being divided for the ¹[administrative purposes] and each ward assessment-book may be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

The assessment book to be made separately for each ward and in part, if necessary.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

11. (1) When any building or land is let to two or more persons holding severally, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Treatment of property which is let to two or more persons in separate occupancies.

(2) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the Standing Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a draw-back of one-fifth part of the general tax so leviable.

(3) Every person who applies for a drawback under sub-rule (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Standing Committee.

12. (1) When the name of the person primarily liable for the payment property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Procedure where name of person primarily liable for property taxes cannot be ascertained.

¹ These words were substituted for the words "purpose of election", Mah. 10 of 2010., s.27.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice
to be given
when valuation
of property in
any ward has
been com-
pleted.

13. (1) When the entries required by clauses (a), (b), (c) and (d) of rule 9 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(2) Such public notice shall be given by advertisement in the local news papers and also by posting placards in conspicuous places throughout the ward ¹[or by any other mode including electronic media as the Commissioner may think fit.]

Assessment-
book to be
open to
inspection.

14. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-rule (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for
filing
complaints
against
valuations to
be publicly
announced.

15. (1) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of a day, not being less than ²[twenty-one days] from the publication of such notice, on or before which complaints against the amount of any ratable value ³[or the capital value, as the case may be,] entered in the ward assessment-book will be received in his office.

(2) In every case in which any premises have for the first time been entered in assessment-book as liable to the payment of property-taxes, or in which the ratable value ³[or the capital value, as the case may be,] of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within ²[twenty-one days] from the service of the special notice.

Time and
manner of
filing
complaints
against
valuation.

16. (1) Every complaint against the amount of any ratable value ⁴[or the capital value, as the case may be,] entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

¹ These words were added by Mah. 10 of 2010, s. 28.

² These words were substituted for the words "fifteen days" *ibid.*, s. 29, (1)(a) and 29 (2)(b).

³ These words were inserted *ibid.*, s. 29 (1) (b) and 29 (2) (a).

⁴ These words were inserted, *ibid.*, s. 30.

17. The Commissioner shall causes all complaints so received to be registered in a book to be kept for this purpose and shall give notice in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Notice to complainants of day fixed for investigating their complaints.

18. (1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

Hearing of complaint.

(2) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

19. When all such complaints, if any, have been disposed of and the entries required by clause (e) of rule 9 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values ¹[or the capital values, as the case may be,] entered in the said book.

Authentication of ward assessment-books when all complaints have been disposed of.

(2) Thereupon the said ward assessment-book subject to such alteration as may thereafter be made therein under the provisions of rule 20 shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

20. (1) Subject to the provisions of sub-rule (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same—

Assessment-book may be amended by the Commissioner during the official year.

(a) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted ;

(b) by striking out the name of any person not liable to the property tax;

(c) by increasing or reducing the amount of any rateable value ²[or the capital value, as the case may be,] and of the assessment based thereupon;

(d) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(e) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment-book ;

(f) by making or cancelling any entry exempting any premises from liability to any property tax.

(2) Where any amendment is made under sub-rule (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value ²[or the capital value, as the case may be,] of any premises as stated in the assessment book, a special written notice as provided in sub-rule (2) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed.

¹ These words were inserted by Mah. 10 of 2010, s. 31.

² These words were inserted, *ibid.*, s. 32 (1) and (2).

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New
assessment
book need
not be
prepared
every
official year.

21. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-rule (2), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year:

Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

(2) A new assessment-book shall be prepared at the least once in every ¹[five years].

Special provisions regarding Tax on Vehicles, Boats and Animals.

Persons
responsible
for the
payment of
the tax on
vehicles,
boats and
animals.

22. (1) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable:

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

(2) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the *Motor Vehicle Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

Vehicle,
boat and
animal tax
book to be
kept.

23. (1) The Commissioner shall keep a book, in which shall be entered from time to time:—

(a) a list of the persons liable to pay any tax under rule 22 ;

(b) a specification of the vehicles, boats and animals in respect of which the said persons are, respectively, liable to the said tax ;

(c) the amount of tax payable by each such person and the period for which it is payable ;

(d) the particulars of every composition made under section 144.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(3) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book, free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Returns
from
owners of
premises
and person
liable to the
tax.

24. (1) The owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with a written return, signed by such owner of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

¹ These words were substituted for the words "four years" by Mah. 27 of 2010, s. 13 (B).

* Now see the Motor Vehicles Act, 1988.

(2) Every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in such year, or within fifteen days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the Commissioner from time to time specifies by public notice.

(3) Every such owner or person as is referred to in sub-rule (1) and sub-rule (2), respectively, shall be bound to make a true return to the best of his knowledge or belief, whether or not he is liable to the payment of the tax.

25. (1) Every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle, boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal, as the case may be.

Notice to be given to commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc.

(2) Every person who ceases to own or have possession or control of any vehicles, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle, boat or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

Special provisions relating to Octroi and Tolls.

26. The Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

Table of rates of octroi to be affixed on certain places.

27. The Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compound by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

Table of tolls to be affixed in conspicuous position.

28. (1) The Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

Power to keep account-current with person, firm or public body in lieu of levying octroi on production of goods.

(2) Such account shall be settled at intervals not exceeding one month, and such person, firm, or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amount which may at any time be due from such person, firm, or body in respect of such dues.

(3) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immoveable property of the defaulter as if such amount were a property tax due by the said defaulter.

Power to
examine
articles
liable to
octroi.

29. (1) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necessary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,—

(a) unload and reload all the goods or such of them, as may be required by that officer ;

(b) permit that officer to inspect, examine, weigh, stamp, seal or otherwise mark for purposes of identification such goods ;

(c) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded ;

(d) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods ; and

(e) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(2) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(3) If any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse of the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

Collection of Taxes

Property
taxes payable
half-yearly in
advance.

30. Each of the property-taxes shall be payable in advance in half yearly installments on each first day of April and each first day of October ¹[as specified in a bill served under rule 39, 40 or 55].

Tax on
vehicles,
boats and
animals
payable in
advance.

31. (1) The tax on vehicles, boats and animals, including the tax payable under the proviso to clause (f) of sub-section (1) of section 143, shall be paid half-yearly in advance on each first day of April and each first day of October.

If in any half-year a vehicle, boat or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs—

(a) in the first two months of such half-year, the whole tax for such half-year ;

¹ These words were added by Mah. 10 of 2010, s. 33.

(b) in the third or fourth month of such half-year, two-thirds of the tax for such half-year ;

(c) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty days of such half-year.

(2) Notwithstanding anything in sub-rule (1), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs—

(a) in the first quarter of such year, the whole tax for such year ;

(b) in the second quarter of such year, two-thirds of the tax for such year ;

(c) in the third quarter of such year, one-half of the tax for such year ;

(d) in the last quarter of such year, one-third of the tax for such year :

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

32. (1) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall at all times display such token, badge or disc prominently on such vehicle.

Display of tokens, badges or discs on vehicles liable to tax on vehicles, boats and animals.

(2) Any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorised in this behalf by the Commissioner and detained.

(3) If any person, within one month of the seizure of a vehicle under sub-rule (2), establishes his claim thereto to the satisfaction of the Commissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(4) If within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (3) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale, shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(5) For every token, badge or disc given under sub-rule (1) a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

33. (1) Octroi shall be payable on demand.

Octroi payable on demand.

(2) Every person authorized by the Commissioner to demand octroi shall tender to every person on whom the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

Tolls
payable on
demand.

34. (1) Toll shall be payable on demand.

(2) Every person authorized by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

Collection of
octroi and
tolls how to
be effected.

35. Octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

Theatre tax
payable in
advance.

36. Theatre Tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance.

Payment of
Theatre Tax
for series if
performances
in lump.

37. The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance.

Recovery of
Theatre Tax
in case of
default.

38. If the Theatre Tax is not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, if the payment is not made within the specified period, recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.

Presentation
of bills for
certain
taxes.

39. (1) Where any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax, or any instalment of any such tax shall become due, the Commissioner shall, with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due.

(2) Every such bill shall specify the period for which, and the premises, property, occupation, vehicle, boat, animal or thing in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as hereinafter provided.

When one
bill may be
presented
for several
claims.

40. (1) All the sums due for each period for all or any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump :

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties:

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

¹[41. (1) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and of the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Levy of
penalty on
unpaid
amount of
bill.

Mah. X
of 2010.

Provided that, any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as “ the Amendment Act of 2009 ”) has remained unpaid in full or in part, a person who has not paid such tax shall be liable to penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(2) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (1) shall *mutatis mutandis* apply to the amount which has so remained unpaid.]

42. (1) If the person ²[liable for the payment of the tax for which a bill is served upon him does not pay the tax together with penalty or interest or both as required under the provisions of this Act to pay the same] and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the moveable property of the defaulter or the attachment and sale of the immovable property of the defaulter or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any moveable property found on the said premises or, if the tax be due in respect of any vehicle, boat or animal, by distress and sale of such vehicle, boat or animal in whomsoever's ownership, possession or control, the same may be.

Distress or
attachment.

³[(2) Where the person liable to pay the tax according to the bill served upon him pays the tax as required under the provisions of this Act but does not pay the amount of penalty or interest or both either in whole or in part as may be due on the unpaid amount of tax, for such amount which has remained unpaid, a warrant in the form of Schedule H, *mutatis mutandis*, may be issued by the Commissioner in the same manner as if such sums were due on account of the tax.]

¹ Rule 41 of the TAXATION RULES was substituted by Mah. 10 of 2010, s. 34.

² These words were substituted for the words beginning with the words “on whom a notice of, demand” and ending with the words “satisfaction of the Commissioner”, *ibid.*, s. 35 (1).

³ Sub-rule (2) was substituted, *ibid.*, s. 35 (2).

Property of
defaulter
may be
distrained or
attached
wherever
found.

43. (1) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(2) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to —

(a) the Registrar, Court of Small Causes, Bombay, if such property, vehicle, boat or animal is situate in the City of Bombay ;

(b) the Commissioner, if such property, vehicle, boat or animal is situate in a City;

(c) the Chief Officer or the Vice-President if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively;

(d) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a Cantonment;

(e) an officer of Government not lower in rank than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.

(3) Any officer to whom a warrant is addressed under sub-rule (2) may endorse such warrant to a subordinate officer.

Warrant how
to be
executed in
case of
moveable
property.

44. (1) It shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building, in order to make any distress directed in the warrant if he has reasonable ground for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(2) It shall also be lawful for such officer to distrain, wherever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distrained, namely—

(a) the necessary wearing apparel and bedding of the defaulter, his wife and children;

(b) the tools of artisans ;

(c) if the defaulter is an agriculturist, his implements of husbandary, seed-grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

Warrant how
to be
executed in
case of
immovable
property.

45. (1) When a warrant is issued under rule 42 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the ¹[tax due, penalty or interest or both, if any, due and payable together] with the costs of recovery, are paid into the municipal office within²[twenty-one days.]

³(2) Such order shall be proclaimed by fixing at some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land, paying revenue to the State Government, in the office of the Collector.]

¹ These words were substituted for the words "amount due" by Mah. 10 of 2010, s. 36 (1) (a).

² These words were substituted for the words "five days", *ibid.*, s. 36 (1) (b).

³ Sub-rule (2) was substituted, *ibid.*, s. 36 (2).

(3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

46. The officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant, and shall at the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

Inventory
and notice
of distress
and sale.

47. (1) Where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and the costs of recovery are paid forthwith.

Sale.

(2) If not sold at once under sub-rule (1) the property distrained or attached or, in the case of immovable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (1) of rule 45, or named in the notice served under rule 46, as the case may be, be sold by public auction ¹[or by auction by inviting sealed bids] by order of the Commissioner, unless the warrant is suspended by him or the sum due and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(3) The surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to the Commissioner within six months from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation.

(4) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property shall be deemed to have been removed.

(5) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders.

(6) After sale of the immovable property as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(7) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(8) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (6) and may also use such force as is reasonably necessary to effect entry on the said property.

¹ These words were inserted by Mah. 10 of 2010, s. 37.

Sale outside
City.

48. (1) Where the warrant is addressed outside the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of rule 47 and to exercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(2) Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner, who shall dispose of the same in accordance with the provisions of the said rule.

Special
provisions in
regards to
non-payment
of octroi or
toll.

49. (1) In the case of non-payment of any octroi or any toll on demand by any person authorized in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicle, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in Form I.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded and the expenses incidental to the seizure be forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Commissioner shall forthwith deliver to him the property seized.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(6) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may specify in this behalf but shall not in any case exceed ten per cent. of the amount of octroi or toll payable.

Fees for
warrants
issued, etc.

50. For every warrant issued, distraint or attachment made and for the maintenance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the ¹[State] Government and such fees shall be included in the costs of recovery.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹[51. The Commissioner may, in his discretion, remit the whole or any part of penalty under rule 41, or fees or cost of recovery under rule 50.]

Penalty, fees or cost of recovery may be remitted. Attachment of rent due.

52. (1) Where a bill for any sum due on account of any property-tax is served upon an occupier of premises pursuant to sub-section (1) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due.

(2) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(3) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (3) of the said section shall not apply to such recovery.

53. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theatre Tax is about forthwith to remove from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

Summary proceedings may be taken against persons about to leave the City.

(2) If on service of such bill the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so the amount shall be leviable by distress and sale in the manner hereinbefore prescribed,^{2**} and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

54. Instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance or any sum due, as the case may be, by such defaulter, on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Defaulters may be sued for arrears, if necessary.

55. Notwithstanding anything contained in sections 472, 473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelope or wrapper containing such bill was put in the post and, in proving such service, it shall be sufficient to prove that the envelope or wrapper containing the bill was properly addressed and put in the post under certificate of posting.

Special provision for service of bills for taxes.

¹ Rule 51 of the TAXATION RULES was substituted by Mah. 10 of 2010, s. 38.

² The words "except that it shall not be necessary to serve upon the defaulter any notice of demands", *ibid.*, s. 39.

Special provision for facility for payment of property taxes.

¹[55A. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers circulating within the area of jurisdiction of the Corporation ; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner.]

Refunds.

Refund of property taxes on account of vacancies.

56. (1) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant for not less than thirty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy lasted.

(2) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for not less than sixty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted :

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

Explanation.—For the purposes of this rule—

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended ;

(e) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Refund not claimable unless notice of vacancy is given to Commissioner.

57. (1) No refund of any property tax shall be claimed from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the date of the occurrence of the vacancy.

¹ Rule 55A of the TAXATION RULES was inserted by Mah. 10 of 2010, s. 40.

(3) When a vacancy continues from one period in respect of which property-taxes, or any installment thereof, are recoverable, into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (1) was not given until after the expiry of the period in which the vacancy occurred.

58. No refund of water-tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

Refund of water-tax inadmissible unless application for stopping water supply has been made.

59. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, ¹[accompanied by the original receipt or any valid proof of payment of the amount of the bill presented to the applicant under rule 39, 40 or 55.]

Application for refund when and how to be made.

60. (1) If the tax leviable on any vehicle, boat or animal in respect of any half year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or, if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorised by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is—

Refund of tax on vehicles, boats and animals when and to what extent obtainable.

(a) not less than one hundred and seventy days, the full amount of the tax paid,

(b) not less than one hundred and fifty days, three-fourths of the tax paid,

(c) not less than one hundred and twenty days, two-thirds of the tax paid,

(d) not less than ninety days, one-half of the tax paid,

(e) not less than sixty days, one-third of the tax paid.

¹ These words were substituted for the portion beginning with the word “accompanied” and ending with the word “claimed” by Mah. 10 of 2010, s. 41.

No refund of the tax shall be granted if such period is less than sixty days.

(2) When a notice has been given under sub-rule (2) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

Refund not
claimable
unless
notice is
given to
Commissioner.

61. (1) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60, for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, if no bill was served, the official receipt for such amount.

Refund of
octroi or
toll on
export.

62. Subject to the standing orders, not less than ninety per cent. of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment :

Provided that—

(a) an application for refund shall be made within one week of the date of exportation;

(b) the amount due for refund shall not be less than five rupees;

(c) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

Refund of
Theater
Tax.

63. (1) The Commissioner shall refund the amount of the Theatre-Tax paid in respect of a particular performance if he is satisfied, on the evidence placed before him and after such further inquiry, if any, as he may deem necessary—

(a) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or

(b) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not exceed twenty per cent. of the gross receipts.

(2) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

CHAPTER IX.

DRAINAGE AND DRAINAGE WORKS.

1. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over any municipal drain.

Buildings, etc. not to be erected without permission over municipal drains.

(2) If any building, wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

2. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (3).

Buildings, etc. not to be erected without permission over any drains.

(2) If any building, wall or other structure be so erected, the Commissioner after giving the offending person ten days' notice of his intention, may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

(3) The Commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size, and materials and provided with such means of ventilation as may be specified in the said notice.

(4) Every culvert of covering provided in accordance with sub-rule (3) shall be maintained and kept free from obstructions by the said owner or occupier at his expenses.

3. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing Committee generally in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Drains not to pass beneath buildings.

4. The Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Provision of troughs and pipes to receive water from roofs of buildings.

Drains of Private Streets and Drainage of Premises.

5. (a) The owner of a private street before commencing to construct a drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the direction of the Commissioner ;

Power to connect drains of private street with municipal drains.

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner shall direct;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Drainage of
courts,
yards and
compounds
appurtenant
to, or giving
access to
buildings.

6. If any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved, or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper out fall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

Explanation.—This rule shall also apply in relation to any court, yard, compound or passage which is used in common by the occupiers of two or more buildings but is not a public street.

Special
provisions
relating to
trade
effluent.

7. (1) No trade effluent shall be discharged from any made premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as “ a trade effluent notice ” served on the Commissioner by the owner or occupier of the premises, stating—

(a) the nature or composition of the trade effluent;

(b) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(c) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expiration of a period of two months or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as “ the initial period ”.

(2) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to —

(a) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

(b) the nature or composition of the trade effluent which may be so discharged;

(c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;

(d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain; and

(e) any other matter with respect to which by-laws may be made under this Act, but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any by-laws so made which are for time being in force.

8. No person shall construct a cesspool—

Position of cesspools.

(a) beneath any part of any building, or within twenty feet ¹[of] any lake, tank, reservoir, stream, spring, or well; or

(b) upon any site or in any position which has not been approved in writing by the Commissioner.

9. (1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

All drains and cesspools to be properly covered and ventilated.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

10. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

Excrementitious matter not to be passed into cesspool.

11. (1) Where any premises are without a water-closet, or privy, or urinal or bathing or washing place or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises —

Power of Commissioner to require adequate water-closet and other accommodation to be made.

(a) to provide such, or such additional, water-closet, privy, urinal or bathing or washing place accommodation as he prescribes;

(b) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(c) to substitute water-closet accommodation for any privy accommodation.

(2) Any requisition under sub-rule (1) may comprise any detail specified in sub-section (2) of section 178.

12. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, school or theatre or other place of public resort, or as a place in which persons exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex and to cause the same to be kept in proper order and to be daily cleaned.

Power to require privy accommodation to be provided for factories, etc.

¹ This word was substituted for the word “or” by Bom. 39 of 1951, s. 3, Second Schedule.

Power of
Commissioner
as to
unhealthy
privies.

13. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situated either :—

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(b) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

Provisions as
to privies.

14. (1) The owner or occupier of any premises on which there is a privy shall—

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky ;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by ;

(c) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street :

Provided that—

(1) clause (a) shall not be deemed to apply to any privy in existence on the appointed day unless—

(i) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause ; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy ;

(2) the Commissioner may permit the continuance of such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

Provisions as
to
water-closets.

15. The owner or occupier of any premises on which there is a water-closet shall—

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any

manufacture, trade or business, by such means as the Commissioner shall deem sufficient ;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance ;

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose ;

(f) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

16. No person shall build a privy or water-closet in such a position or manner as—

Position of
privies and
water-
closets.

(a) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace ;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

17. (1) No public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in, or so as to be accessible from, any street without the consent of the Commissioner who may, in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he thinks fit.

Control
over water-
closets, etc.,
in, or
accessible
from
streets.

(2) The Commissioner may, by written notice require—

(a) the owner of a water-closet, privy or urinal which has been erected in contravention of sub-rule (1) or the removal of which the Commissioner is entitled to require, to remove it ;

(b) the owner of a water-closet, privy or urinal which opens on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently to close it.

Use of places for bathing or washing clothes or domestic utensils.

18. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Work to be done by licensed plumber ; permission to use as drain.

19. (1) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter XII of this Act and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in such form as the Commissioner may from time to time prescribe signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work :

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling in or covering over of such work ; or

(ii) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the rules or by-laws.

(4) No person shall permit any such work to be used as a drain or part of a drain until—

(a) the permission referred to in proviso (b) to sub-rule (3) has been received ; or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools.

20. Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under section 175 shall—

Erection of shafts, etc., for ventilation of drains or cesspools.

(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom ;

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(d) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

CHAPTER X.

WATER SUPPLY.

1. In this Chapter, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “ communication pipe ” means a pipe extending from a municipal main up to and including the municipal stop-cock ;

(b) “ consumer ” means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work ;

(c) “ consumer's pipe ” means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation ;

(d) “ distributing pipe ” means any pipe not subject to water pressure from a municipal water main ;

(e) “fitting” includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation ;

(f) “municipal stop cock” means the stop cock which controls the supply of water from a municipal water main ;

(g) “supply pipe” means the pipe extending from a municipal stop cock upto the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

Private water-supply.

Conditions
on which
private water
supply may
be provided.

2. (1) Subject to the provisions of sub-rules (2), (3) and (4), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

(2) If it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (b) of sub-section (1) of section 130, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the persons primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

¹[(3) Notwithstanding anything contained in sub-rule (1), if in respect of any premises, where the owner or person primarily liable for the payment of property taxes, fails or refuses to make an application or to give his assent under sub-rule (1), within a reasonable period, the supply pipes for conveying to such premises such water supply may be connected with such water work on the written application of the occupier of such premises made to the Commissioner, after holding necessary inquiry and on payment of the cost of connecting the supply pipes and subject to such other conditions (including those for payment of water taxes and water charges) as the Commissioner may deem fit to impose.]

¹ Sub-rule (3) was substituted for the original by Mah. 42 of 1976, s. 22.

(4) The Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

3. (1) No connection with any municipal water-work shall be made or renewed—

(a) except by a municipal officer or servant empowered in that behalf by the Commissioner ; and

(b) until the certificate specified in sub-rule (4) has been given.

Making and renewing connection with municipal water works.

(2) In every case where a new connection with a municipal water work is made or an existing connection is renewed all necessary communication-pipes and fittings thereon shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(3) Every such new connection or renewed connection with its communication-pipes and fittings shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

(4) All supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection ; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner
may take
charge of
private
connections.

4. (1) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings :

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(2) Any consumer's pipes and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Power of
Commissioner
to alter
position of
connections.

5. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days, previous notice of his intention so to do, cause the said connection, pipe or, fitting to be moved to such other position as he thinks fit and relaid and applied or others to be laid and applied in lieu thereof, in such position as he may direct ; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Provisions as
to cisterns
and other
fittings, etc.,
to be used for
connections
with
water-work.

6. (1) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises, within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

(2) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under rule 11 is found to be not easily accessible.

(3) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(4) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(5) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cistern and fittings to be employed for the purpose of replacing any pipes, cisterns and fittings found on an examination under rule 11 to be so defective that they cannot be effectively repaired.

(6) If any connection or communication other than that prescribed in sub-rule (4) is found in or upon any premises it shall be presumed, until the

contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the owner of such premises.

(7) The Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection or communication with any municipal water-work and such orders may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

7. (1) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced.

Provision for keeping cisterns locked.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

8. (1) It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Communication pipes to be kept in efficient repair by owner or occupier of premises.

(2) When an occupier of any premises is served with a notice under sub-rule (2) of rule 11 he may, after giving to the person to whom he is responsible for the payment of his rent three days' notice in writing, himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise expressly provide, be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (3) of rule 11.

9. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

Provision of meters when water is supplied by measurement.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(3) (a) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have the meter tested and every such application shall be accompanied by such fee as the Commissioner may from time to time prescribe.

(b) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(c) If upon such test such meter is found to be incorrect by more than two per cent. the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken forthwith for the repair or replacement of the meter.

Register of
meter to be
evidence.

10. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner,
etc., may
inspect
premises in
order to
examine
meter,
communication
pipes, etc.

11. (1) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order—

(a) to remove, test, examine and replace any meter for measuring water ;

(b) to examine any supply or distributing pipe, cistern, lock or fitting ; or

(c) to see if there be any waste or misuse of water.

(2) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

Cutting off private water-supply.

Power to
cut off
private
water-
supply or to
turn off
water.

12. (1) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises in any of the following cases, namely :—

(a) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3, 9 or 17 within one month after a notice of demand for such tax or sum has been duly served ;

(b) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (1), (2) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern or the removal of any cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 11, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-rule (5) of rule 6 ;

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues :—

(i) to use the water, or to permit the same to be used, in contravention of any by-law or of any condition prescribed under sub-section (2) of section 134 or under any other provision of this Act;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;

(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber ;

(g) if the premises are declared to be unfit for human habitation under the provisions of this Act;

(h) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise;

(i) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6 :

Provided that—

(i) in any case under clause (a) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed at a conspicuous part of the premises;

(ii) in any case falling under clause (b), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-rule (1), (2) or (3) of rule 6, or under rule 7, as the case may be, has been affixed to a conspicuous part of the premises ;

(iii) in other cases the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

(3) If in any case under clause (a) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or persons in occupation of the premises other than the persons primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled, without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

Prohibition
of fraud in
respect of
meters.

13. (1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(b) abstract or use water before it has been registered by a meter, set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

General Provisions.

Prohibition
of wilful or
neglectful
acts relating
to water
works.

14. No person shall wilfully or negligently—

(a) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter ;

(b) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted ;

(d) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work shall be wasted ;

(e) obstruct, divert or in any way injure or alter any water-main or duct ;

(f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act ;

(g) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water work.

Compensation
to be payable
by offenders
against rule
13 or 14.

15. Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

What persons
to be liable
for offences
under certain
provisions of
this Act.

16. If it shall be shown that an offence against some provision of this Act or against some rule or by-law relating to water-supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

17. (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

18. (1) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

Work under this Chapter to be done by licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

CHAPTER XI.

STREETS.

I. *Sky-signs.*

1. (1) For the purposes of section 244 the expression " sky-sign " means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard framework or other support. It shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street.

Interpretation of sky-sign.

(2) A sky-sign shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(c) any word, letter, model, sign, device, or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place ;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

II. *Naming or Numbering of Streets and Numbering of*¹*[Premises].*

2. (1) The Commissioner may, from time to time—

(a) with the sanction of the Corporation, determine the name or number by which any street for any public place vested in the Corporation shall be known ;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined ;

(c) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation ;

(d) determine the number or sub-number by which any premises or part of such premises shall be known ;

²[(e) by written notice require the owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof on such position and manner as may be specified in such notice, or to signify in writing his desire that such work shall be executed under the orders of the Commissioner.]

Naming or
numbering
of streets
and
numbering
of
¹[premises].

¹ This word was substituted for the word " Houses " by Bom. 22 of 1956, s. 8(2)(e).

² This paragraph was substituted for the original by *ibid.*, s. 8(2)(a).

Explanation.—The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(2) (a) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number¹[or allow or cause any metal plate bearing any number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name or put up any number or sub-number different from that put up or painted by order of the Commissioner].

(b) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

²[(c) If any person contravenes the provisions of paragraph (a) or (b), he shall, on conviction, be punished with fine which may extend to twenty rupees.]

(3) Where a number or sub-number is put up^{3****} on any premises or part thereof under the orders of the Commissioner in accordance with paragraph (e) of sub-rule (1), the expenses of such work shall be payable by the⁴[owner of the premises or part thereof, as the case may be,] at such rate as the Commissioner may from time to time fix.

⁵[*Explanation.*—In this rule “premises” does not include lands which are not built upon nor does it include only verandahs, fixed platforms, plinths, door steps, walls, compound walls, fencing or the like.]

¹ This portion was substituted for the words beginning with the words “ or put up or print any name ” and ending with the words “ by order of the Commissioner ” by Bom. 22 of 1956., s. 8(2)(b)(i).

² This paragraph was inserted, *ibid.*, s. 8(2)(b)(ii).

³ The words “or painted” were deleted, *ibid.*, s. 8(2)(c)(i).

⁴ These words were substituted for the words “owner of the premises”, *ibid.*, s. 8(2)(c)(ii).

⁵ This *explanation* was added, *ibid.*, s. 8(2)(d).

III. Provisions concerning Private Streets.

Interpretation
which may
be called for
from
persons
giving
notice
under
section 217.

3. For the purposes of section 218 the Commissioner may call for from the persons giving notice under section 217 all or any of the following documents :—

(i) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(ii) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths ;

(iii) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(iv) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions ;

(v) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

CHAPTER XII.

BUILDINGS REGULATIONS AND BUILDING LOANS.

Additional
information
and the
attendance
of the
person who
gave the
notice may
be required.

1. (1) If the notice given and the documents furnished under section 253 or section 254 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at anytime within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

(2) At any time within the said period the Commissioner may also by written notice require the person who has given the notice to open for inspection any portion or portions of the intended foundations or any portion of the intended foundations or walls of an existing building.